

**Influencing Policy: An Examination of the  
Pre-legislative and Legislative Processes of the Scottish  
Parliament**

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### **Declaration**

The work presented in this thesis is the original work of the author, except where specific reference is made to other sources. It has not been submitted in part, or in whole, for any other degree.

Pamela Tosh



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## *Abstract*

This thesis explores the pre-legislative, as well as the legislative processes of the Scottish Parliament. The Housing (Scotland) Bill is used as a single case study to map the journey of housing and homelessness policies through the parliamentary process, and, in doing so, policy network theory has been used to guide the collection, organisation and analysis of the data.

The research has attempted to get beyond the official line by identifying the key policy players involved and exploring their relationships with one another. To that end, the study is based on sixty four interviews with a range of stakeholders involved in the Housing (Scotland) Bill, as well as the responses from one hundred and nineteen interest groups which completed the postal survey. This was complemented by non-participant observation of the parliamentary and committee proceedings and documentary analysis.

The accounts and reflections of those heavily involved in agenda setting, policy development and legislative amendment provide the basis for the thesis. That said, the research does not overlook those who found themselves at the periphery of the policy making process. Indeed, the study identifies the many 'rules of the game' that exist to exclude interest groups from decision making and does this in light of the Parliament's founding principles of openness, accessibility, responsiveness, power sharing and its efforts to include 'outsiders'.

The thesis also analyses the role of the committees given their reputed importance as the powerhouse of the Parliament in terms of scrutinising and amending Executive legislation. The committees' evidence taking role, as well as the Parliament's role in other stages of the legislative process, are examined. While the formal processes are important, the research also taps into some of the networks that built up around the Housing Bill. The characteristics and membership of these networks are identified and the research pays particular attention to the micro-level of analysis. In other words, the relationships between key policy players (such as Ministers, civil servants, parliamentarians and interest groups) are examined in terms of the way in which they co-operate and compete with one another to affect policy. Thus, the importance of the resource exchange and coalition and consensus building is analysed in terms of whether the relationships between policy players organised around and in networks have any real causal impact on policy outcomes.

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## *Chapter 1*

### *Introduction*

#### *Introduction*

This thesis explores the pre-legislative, as well as the legislative processes of the Scottish Parliament. One piece of legislation - the Housing (Scotland) Bill - was used as a single case study to map the journey of a policy proposal from its development, legislative scrutiny and amendment, to its natural conclusion in the form of an Act of Parliament.

The focus of the research is not on the housing proposals contained in the Bill. Instead, the study is primarily concerned with why the housing proposals changed, if indeed they did, and what or who was influential in affecting that change or maintaining the status quo. The roles, motivations and decisions of key policy players in the development, scrutiny, amendment and protection of the legislative proposals contained in the Housing Bill are considered. The players comprise Ministers, civil servants, parliamentarians and interest groups, with the latter representing the private institutions of civil society, while the others are to be found in the public sphere broadly representing the state.

This research takes as its starting point the publication of the consultation document 'Better Homes for Scotland's Communities' and the evidence taking stages undertaken by relevant committees which preceded the pre-legislative consultation stage. The Bill then entered the three main stages of the legislative process, comprising stage one where the general principles of Bills are either accepted or rejected, stage two where Bills are scrutinised line for line by the designated lead committee, and stage three where final amendments and revisions can be introduced by any member of the Scottish Parliament and voted on by all MSPs.

This research did not perceive policy making as confined to formal consultative mechanisms, or the decisions taken in the plenary session of the Parliament or the discussions that take place in committees. While an analysis of the role of the committees and the proceedings in the plenary session is important, the research sought to investigate the discussions that take place and decisions agreed upon between key policy players in less public spaces that are crucial in any investigation into where power and influence lie. The research has attempted to get beyond the official line, and in the course of so doing, identify networks or communities of key policy players. Given the importance these networks had in agenda setting, the membership of these have been examined in terms of the resource exchange involved between participants. The resource exchange and rules of the game operating within these less public arenas have been analysed for their causal impact on policy outcomes.

Some of the most interesting features of these networks which will be discussed in the course of the thesis are to be found in the blurring of the boundary between the state and civil society in policy development and consideration. Another is the elite nature of these policy networks and the barriers to entry, to those outside the network, that are erected around them. Interdependent with this are the 'rules of the game' which may shape the actions of the participants and hence the policy outcomes that originate from the network. Finally, these policy networks, while populated by 'expert' participants, are nevertheless not as visible as the Parliament and hence are less accountable to the public and the wider elected representatives.

The study of Scottish policy making and, in particular, the legislative process within the Scottish Parliament is set within the wider questions of why the Scottish Parliament was set up and why it has been set up in the way it has. In 1997 a committee was established by the Secretary of State for Scotland to provide the Parliament with working procedures and draft standing orders in advance of its creation (*Lynch, 2001:13*). This committee was called the Consultative Steering Group and recommended to the Parliament a set of procedural arrangements which have since become prescriptive. In other words, the Consultative Steering Group not only set out the way in which the Scottish Parliament should operate but, more importantly, how it ought to operate. Indeed, interesting parallels and contradictions arise when we pull together the principles outlined in the Consultative Steering Group's recommendations with both the descriptive and normative elements epitomised by the types of policy networks that are identified in this research. For instance, policy networks are populated by a range of political actors, including representatives of interest groups. This could be seen as one example of power sharing between the Parliament, the Executive and civil society. This notion of power sharing would fit well with the aspirations of the Consultative Steering Group, but what would fit less well, would be the assertions made in network analysis that entry into these networks is both selective and exclusive. That is, that membership of a highly integrated network is dependent upon resources, whether that be expertise, finances, a large membership base or implementation power.

Furthermore, these policy networks normally take place away from parliamentary and public scrutiny. In other words, the discussions and negotiations within these networks are not played out on the floor of the parliamentary chamber or in the committee rooms. From a normative point of view, these networks could be said to be both unelected and unaccountable while not being especially open or transparent. On the one hand, therefore, policy networks, such as the increasing use of Task Forces by the Scottish Executive, are opening up policy development to include representatives from civil society. These networks though may be dependent on the range of resources the 'usual suspects' or key groups can bring to them. Furthermore, the outcomes of the policy networks are legitimated by the members' expertise and/or representativeness. Hence the legitimacy of the network and the policy recommendations or outcomes that originate from it make it difficult for elected representatives to

critically question because the very legitimacy of the network resides in its claim to superior expertise (*Rhodes and Marsh, 1992:200*). This then brings us back to what is more ideal: participatory democracy facilitating citizen participation, or representative democracy where elected representatives are solely charged with decision making.

The study, though, is not limited to an examination of the role of interest groups in policy making, as it also explores the role of the Parliament *vis-a-vis* the Executive. In particular, the role of opposition parties is examined in light of their inability to introduce changes to the legislation at stages two and three. Strong party discipline and an unwillingness on the part of coalition parties to accept opposition amendments are other such themes.

Therefore, in the course of the thesis I will investigate the respective roles of political actors in the policy process and try to account for some of the policy changes and modifications that took place. I will offer explanations as to why some interest groups were granted privileged access to key decision makers, while others were not. Linked to this, I will explore the selection process civil servants employed which gave them a propensity to favour some groups over others. Moreover, I will trace back the most significant policy modifications that were made to the Bill to the political actors or representatives of interest groups responsible and examine the significance of such changes. With this in mind, the core research aims are:

- to examine the various stages of the legislative process with specific reference to the Housing Bill;
- to identify the key policy players involved in agenda setting and policy development;
- to explore the significance of these key policy players and their relative influence at different stages throughout the policy process and how they went about exercising such influence;
- to identify the types of policy networks that developed around the Housing Bill and to examine who was part of these networks, why, and what outcomes originated from them;
- to explore the legislative changes made to the Housing Bill; which policy players were responsible; and what significance this has for the way in which policy and legislation is made in the Scottish context;
- to use policy network theory to guide the collection, organisation and analysis of data.

#### *Background to the Scottish Parliament*

The discussion on the background to the Scottish Parliament will be confined to identifying the pressures for constitutional change throughout the 1980s and 1990s. Admittedly, there are other important events that have taken place outwith the last twenty years or so, ranging back to the creation of the Scottish Office and the post of Scottish Secretary in 1885 (*Brown et al:1998:13*) and to the rise in popular support for the Scottish National Party some eighty years later, culminating in them winning the Hamilton by-election in 1967 (*Brown et al, 1998:19*).



Brown notes, that in the last twenty years or so, there have been a number of 'push and pull' factors which drove constitutional change in Scotland (*Brown, 2000:543*). The 'push' factors included a growing sense of Scottish distinctiveness and identity, what Paterson called 'a world of dense Scottishness' (*1994:181*). Furthermore, during the 1980s and most of the 1990s Scotland was governed by a political party it had not voted for. The election of the Conservative Party in 1979 not only brought with it a commitment to neo-liberalism, but also a political party which was very much against constitutional change. Thatcher sums this up, writing:

...some leading Scottish Tories, though a small minority, still hankered after a kind of devolved government, but the rest of us were deeply suspicious of what that might mean to the future of the Union. While reaffirming our decision to repeal Labour's Scotland Act, I indicated that we would initiate all-party talks 'aimed at bringing government closer to the people'. In the event we did so by rolling back the state rather than creating new institutions of government (*1995:36*).

Bennie *et al* argue (*1997:12*) that, under Thatcher, Scottish interests assumed the status of one of those pressure groups which had been overburdening the British state, while the decline in Conservative support across a wide spectrum of social groups suggested that the party had become alienated from Scottish society as a whole (*Brown et al, 1998:156*). This was accompanied by external pull factors which included a transnational demand for a shift to subsidiarity and for decisions to be taken closer to the people, coupled with a debate about ways of improving democratic participation and enhancing citizenship (*Brown, 2000:543*).

In 1989 an 'unofficial' Constitutional Convention was established with the task of designing a scheme for devolution and with gaining consent for this scheme from a range of Scottish organisations, including political parties, to avoid the inter-party divisions over a Scottish Parliament that had earlier been evident in the failed 1979 referendum (*Lynch, 2001:11*). At its first meeting the formal Claim of Right document was signed by all members, asserting the sovereign right of the Scottish people to determine the form of government best suited to their needs. Its members were drawn from most of the political parties (with the exception of the Scottish Conservative Party who never took part, and the SNP, who only attended the first planning meeting) and a range of civic organisations (*Brown, 2000:544*). The core idea of the Convention's scheme was that a Scottish Parliament should have legislative powers in all areas administered by the Scottish Office (*Brown et al, 1998:66*).

The importance of the Constitutional Convention played a significant role in maintaining pressure for change, but it is the Convention's influence over the nature of the debate, with regard to how they envisaged a Scottish Parliament operating, that is especially noteworthy. Put differently, the visions and aspirations with regard to how the Scottish Parliament ought to work (against a backdrop of better governance) which were first broached by think tanks, such as the Constitution Unit, were subsequently reflected in the Consultative Steering Group's principles. For instance, Brown

(2000:544) notes that in 1992 a working group set up by the Constitutional Convention was given a remit to examine procedures to prepare for efficient constitutional change and an open, accessible and accountable Scottish Parliament. When this group reported back, it set out five principles which guided its thinking: accountability, balance, efficiency, participation and subsidiarity (2000:544). Moreover, Mitchell makes reference to the key themes outlined in another Claim of Right drawn up in 1988 by a Constitutional Steering Committee, set up by the Campaign for a Scottish Assembly. He notes that the document criticised the Scottish Office, stressed the need to ensure that the Executive was accountable to a Scottish legislature, and argued the need for a more assertive Parliament (2000:607). These earlier demands, not just for a devolved Parliament but also for a new type of politics in Scotland, closely resemble the Consultative Steering Group's principles, endorsed by the first Scottish MSPs, on which the Scottish Parliament now broadly operates.

Hassan and Warhurst defined this new politics as 'radical democratisation', this being one of three dynamics they identified as being influential in the debates on home rule. The other two were 'normalisation', the expectation that Scotland would take its rightful place on the world stage of nations, and 'restoration', which emphasised the return to Scotland of its Parliament after a two hundred and two year hiatus (2001:214). It is, though, radical democratisation, to use Hassan and Warhurst's term, that will be focused on here since the Scottish Parliament was seen to offer the possibility for a more mature and progressive type of politics than that at Westminster, through, for example, more consultation and cross party consensus (Hassan and Warhurst, 2001:214).

These sentiments were earlier echoed in the proposals for draft standing orders outlined by Crick and Millar. They argued that the tradition-bound procedures of the Westminster Parliament and its excessively confrontational nature were sufficient enough reasons for Scotland's Parliament to make a clear break with Westminster's procedures (Crick and Millar, 1998:239). They proposed:

...powerful committees, proportionate to party strength in composition, which can themselves propose legislation as well as consider government legislation, by hearings as well as debate if they choose, and can conduct inquiries into administration or matters of public concern (1998:243).

After Labour's success in the 1997 general election and the positive endorsement in the 1997 referendum for a Scottish Parliament, the Consultative Steering Group was set up by the Secretary of State for Scotland. The remit given to the Consultative Steering Group was:

...[t]o bring together views on and consider the operational needs and working methods of the Scottish Parliament. To develop proposals for the rules and procedure of Standing Orders which the Parliament might be invited to adopt...[and]...to prepare a report to the Secretary of State by the end of 1998, to inform the preparation of Standing Orders (Scottish

Reflecting the thread of ideas weaving through the earlier campaigns (*Brown, 2000:549*)<sup>1</sup> the Consultative Steering Group adopted four key principles which were to guide their work. These were:

- the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Scottish Executive should be accountable to the Scottish Parliament and the Parliament should be accountable to the people of Scotland;
- the Scottish Parliament should be accessible, open and responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation;
- the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all (*Scottish Office, 1999:3*).

The Consultative Steering Group made a number of recommendations. The most important to this research are: the power of committees to conduct inquiries, scrutinise primary and secondary legislation and initiate legislation (*Scottish Office, 1999:5*); the development of a culture of genuine consultation and participation, particularly aimed at those not currently engaged in the political process (*Scottish Office, 1999:9*); the creation of an all-party Business Committee which would prepare the programme of business of the Parliament, timetable daily order of business for the plenary session and timetable the progress of legislation in committees (*Scottish Office, 1999:27*); the need to have a formal policy development stage, which is well structured and well understood and which would allow individuals and groups to influence the policy making process at earlier stages (*Scottish Office, 1999:64*); the recommendation that Bills should be accompanied by a memorandum that explains, amongst other things, the nature of the problem it is intended to address, the alternative options considered and the consultative process undertaken (*Scottish Office, 1999:65*); that a Bill, once introduced, should be referred to the relevant committee which should consider and report on the general principles of the Bill to inform a debate and vote in the plenary; and that all MSPs should have the opportunity to propose amendments to a Bill, which should be considered in committee and that further amendments, subject to tightly specified criteria, should be allowed (*Scottish Office, 1999:71*).

The standing orders and procedures outlined by the Consultative Steering Group were largely endorsed by the Scottish Parliament. That is not to say, though, that the Consultative Steering Group

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<sup>1</sup> Although this would be rejected by Winetrobe (2001:11-12) who argues that the Parliament was not created by such a pure and logical process, but resulted from a complex amalgam of 'bottom-up' Scottish thinking on a new form of politics, 'top-down' adoption of existing UK constitutional and political practice and adaptation of parliamentary procedure and practice from a variety of sources, but especially from Westminster.

did not have its critics. Mitchell, for example, pointed to the assumption made in the Report that the Parliament would be important in policy making which ignored all the evidence that it is the Executive which dominates the policy process (2000:610). Moreover, the recommendations contained in the Report to increase participation were, Mitchell argued, unlikely to alter the uneven access that exists when professional lobbyists and experienced groups compete against inexperienced, weakly organised groups. Linked to this, the ideal of increasing participation by allowing groups to present evidence at different stages to committees was viewed as simply adding to the pressure MSPs and committees would be under (2000:615). In the chapters to follow we will see if the evidence supports or challenges such assertions.

*Why the Housing Bill was chosen and policy background.*

This thesis is not about the Housing Bill, or about housing policy. It would be true to say that, to some extent, the Housing Bill - a Bill proposed by the Scottish Executive - came along at the right time. It would also be accurate to say though that the Housing Bill was chosen because it was an Executive Bill, being part of its 'flagship' legislative programme. The contents of the Bill were also such that a range of interested parties, from professional housing interests and trades unions to tenants' groups and equalities interests would be drawn to it. Linked to this, it was also a Bill so diverse and wide ranging - covering anything from the extension of the right to buy to improvements and repair grants - that it would allow opportunities both to study cross party support for specific parts of the Bill as well as providing the opportunity to study areas where there was vocal and partisan discussion.

The decision to examine the legislative process by using a case study approach focusing on one Bill was made at the outset. It was clear that in order to study power and influence in policy making, an examination of specific stages of the policy making process in isolation and outwith the context of a Bill would not suffice. Essentially, tracking a Bill through its policy development and mapping the activity of actors through all stages was deemed to be the most effective way to follow through the changing role and fortunes of key policy players in order to ensure a rounded and complete picture emerged.

The research began just before the publication of the Executive's consultation document 'Better Homes for Scotland's Communities: The Executive's Proposals for the Housing Bill'. This enabled the fieldwork to begin at the pre-legislative consultation stage, while permitting enough time to follow the Bill through its evolution to its natural conclusion in the form of an Act.

Methodological reasons had ruled out a retrospective study on a previous Bill, while there were many advantages to be gained from studying a 'living and breathing' Bill, essentially pertaining to the range of methods that could subsequently be employed. For example, non-participant observation of the parliamentary process, when the Bill was being scrutinised or amended, would have been impossible

to undertake if a Bill had already gone through the process and become an Act. Furthermore, interviews with key political players at crucial junctures throughout the process had the added advantage of events and reflections being fresh in the minds of interviewees. More than this though, there were enormous benefits in being able to build up relationships with representatives of key groups (whom I had already interviewed) during the various debates at the Parliament which, for the most part, we all attended. This gave me the added insight of being a small part of one of the very networks I was trying to study, although this in itself has its drawbacks and will be discussed in chapter three.

Although the thesis is not about the content of the Housing Bill, it was nevertheless an important tool through which I could study the formal policy and legislative processes of the Scottish Parliament. More importantly, it was also used to try and tap into the inner workings of the policy machine in an attempt to identify the different political actors who exercised different levels of influence throughout different parts of the process. Because of its importance, and to put the discussion in the chapters to follow in context, a summary of the Bill is provided later in this chapter after a brief look at two main aspects of housing policy in Scotland: firstly, the promotion of home ownership through the selling of council stock at subsidised levels which is explicitly mentioned in the Bill with regard to the extension of the right to buy to housing associations; and secondly, stock transfer which was generally seen as the political driving force behind the Bill.

Goodlad argues that housing policy in a devolved Scotland provides a particularly interesting case since, although housing is devolved to the Scottish Parliament, the key instruments of economic, monetary, fiscal and social security policies have nevertheless been retained by Westminster (2000:89). Put differently, Westminster controls, amongst other things, housing benefit, while legislative responsibility for housing policy has transferred to Scotland. Prior to devolution, housing policy was not centralised at Westminster even though parliamentary policy making was. The various territorial departments of the Scottish Office, the Northern Ireland Office and so on, had already been given prime responsibility for housing policy (Malpass and Murie, 1999:135).

On one level, during the 1980s Scottish housing policy mirrored English housing policy, with its promotion of owner-occupation (Taylor and Sim, 2000:186). Housing policy was:

...distinguished from previous years by its clear ideological predisposition in favour of the private sector, with the pursuit of council houses as its centrepiece. Sales...[of council houses]...were encouraged...in the form of discounts and...restrictions on the types of property for which discounts were available were removed and the amount of discount was progressively increased (Midwinter *et al*, 1991:174).

Writing in 1991 Midwinter *et al* noted that housing policy over the last decade had undergone a change which could best be described as decremental, involving a slow but steady reduction of the role of local government in housing (1991:179). Pointing to the potentially exclusionary aspects of these Thatcherite policies, Midwinter *et al* argued such policies:

...concentrate[d]...on the minority of tenants able to buy their own homes at discounted prices, rather than the needs of the majority, while increasing rents and cutting benefits (*Midwinter et al, 1991:180*).

The added promotion of social housing, through housing associations, coupled with the pursuit of policies favouring owner occupation helped to residualise council housing throughout the UK (*Taylor and Sim,2000:186*). More specifically, residualisation was seen as a particular issue in Scotland, reflecting Scotland's balance of tenure. For example, in the late 1970s the proportion of publicly rented housing stock (i.e., from local authorities, the former Scottish Special Housing Association and the New Towns) reached a high of 54.3% which was markedly higher than elsewhere in Europe (*Taylor and Sim,2000:187*).

The well known criticisms levelled at the Conservative's neo-liberal policies of selling off the council housing stock at subsidised prices, which both diminished housing stock while leaving the poorer stock in the hands of the local authority, had to be viewed in light of the very real individual benefits many tenants who exercised their right to buy received. As Begg argued:

...[i]t was noticeable that while the Scottish public continued to disclaim any great sympathy for Mrs. Thatcher's government, applications to buy tended to shoot up in election years and opinion polls confirmed a strong latent desire in favour of home ownership (*1996:185*).

These tensions between individualism and communitarianism were highlighted once again in the debate regarding the extension of the right to buy to housing associations. Housing professionals and voluntary groups were opposed to the extension of the right to buy on the grounds that it would exacerbate the existing problem of the shortage of affordable housing. Some Labour MSPs, on the other hand, defended the Executive's proposals by pointing to the number of individuals they saw in their constituencies who profited (socially and economically) from exercising the right to buy.

Stock transfer is another policy area worthy of brief comment. Although it does not appear explicitly in the Bill, many of the tenants' groups and the Scottish National Party argued the provisions laid down in the Bill formed part of an essential infrastructure to facilitate stock transfer. Stock transfer refers to the sale of tenanted, public sector housing stock in Scotland to alternative landlords (*Taylor and Wainwright,1996:121*). It can take the form of anything ranging from the wholesale transfer of all of a council's housing stock (and most of its staff) to a new housing association, to phased or incremental transfers of a few hundred run-down council houses to a tenants' co-operative for demolition or redevelopment (*Taylor and Wainwright,1996:121*).

The political will (or more specifically the Executive weight) behind stock transfer was evident by the inquiry into stock transfer which was undertaken by the then Social Inclusion, Housing and Voluntary Sector Committee of the Scottish Parliament whose conclusion supported the principle of stock transfer, albeit accompanied by sixty three recommendations (*Social Inclusion, Housing and*



*Voluntary Sector Committee, 2000*). The Glasgow stock transfer programme is another such example which was opposed by tenants' groups who feared higher rents, but was supported by housing professionals who welcomed the housing debt being lifted from Glasgow and the private investment it would subsequently attract (*The Herald, 6 April 2002*).

Taylor and Wainwright highlight the different purposes being pursued through stock transfer. These may be concerned with targeted investment for renewal, realisation of the value of an asset to support new investment elsewhere, privatisation for its own sake or the abolition of state agencies (*1996:133*). They conclude by arguing there is an ultimate contradiction in the policy of tenure diversification through stock transfer which rests on the notion of the tenants' right to choose:

...[a]rguably stock transfers or 'diversification' policies are really about one way choice, from the public sector to the private sector, to reduce borrowing while increasing investment (*Taylor and Wainwright, 1996:134*).

#### *The Housing (Scotland) Bill*

On 18 December 2000 the Housing (Scotland) Bill was published by the Scottish Executive. At that time it was generally accepted that it was both the biggest, containing over one hundred sections, and substantively the most complex piece of legislation to be put before the Scottish Parliament. The policy proposals outlined in the Bill had their origins in a housing green paper entitled 'Investing in Modernisation: An Agenda for Scotland's Housing', published by the Scottish Office in February 1999, two months before the elections to the Scottish Parliament. The green paper stated:

...[t]he Government's vision, which we commend to the new Parliament, is to ensure the provision of high quality, well designed housing which is affordable for all, is energy efficient and which supports the integration and regeneration of communities rather than dividing them. This should support the development of a fairer and more inclusive society in Scotland (*Scottish Office, 1999a:1*).

On 5 July 2000 the Scottish Executive published its consultation document 'Better Homes for Scotland's Communities: The Executive's proposals for the Housing Bill'. This was based on the responses received to the UK Government's green paper (*Scottish Executive, 2000:2*). The Scottish Executive's consultation period ran from July to September during which time 3,300 copies of the consultation document were distributed and a total of 246 responses received (*Scottish Executive, 2000a:2*). The consultation document set out the Executive's proposed legislation (*Scottish Executive, 2000b:4-5*) which included:

- the introduction of a new single tenancy and reform of the right to buy;
- the establishment of a single regulatory framework for all social landlords;
- enhancing the strategic role of local authorities;
- converting Scottish Homes from a non-departmental public body into an Executive Agency of the Scottish Executive directly responsible to Ministers;

- introduction of a range of measures to help tackle homelessness;
- reform of the repair and improvement grant scheme.

All these proposals successfully made their way into the Housing Bill. The policy memorandum that accompanied the Bill stated:

...[t]he core objective of the Bill is to secure a better deal for tenants in the socially rented sector. It is intended to provide the framework which will allow central and local government, voluntary organisations and financial institutions and housing professionals to work together to improve the quality of Scotland's housing and to deliver high quality housing and related services. Although the focus of the Bill is on the socially rented sector, the objective is to deliver housing across all tenures and help to ensure that a range of decent housing options is available to all, regardless of social, cultural or ethnic background (*Scottish Executive, 2000: 1*).

The specific policy objectives contained in the Bill, while worded slightly differently, are the same earlier recommendations contained in the consultation document. These policy objectives will now be explained and summarised, in their revised form, in the order they appear in the Bill.

Sections one to eight of the Bill set out the legislative proposals for improving the existing homelessness legislation. The legislative proposals in the Bill largely reflect the proposals outlined in the consultation paper which in turn reflected, in their entirety, the recommendations of the Homelessness Task Force. The Task Force was set up by the Scottish Executive to:

...review the causes and nature of homelessness in Scotland. To examine current practice in dealing with cases of homelessness and to make recommendations on how homelessness in Scotland could be best prevented (*Scottish Executive, 2000c: 1*).

Sections one, two, four and five of the Bill introduced new duties on both local authorities and registered social landlords. One such duty stipulated that a local authority must produce homelessness strategies with the aim of preventing and alleviating homelessness in its area. The Bill also proposed to place a duty on local authorities to ensure that free advice and assistance would be available to anybody homeless or threatened with homelessness, in a local authority area. Section four proposed a statutory duty be placed on registered social landlords to comply with a local authority request to house an unintentionally homeless person in priority need. Furthermore, section five put in place a statutory procedure to provide for arbitration in a case where a local authority and a registered social landlord were unable to agree in relation to housing a person found to be homeless. The overall aim of these proposals was twofold. Firstly, they were intended to strengthen the legal rights of homeless people, which was widely and positively endorsed by all sections of the housing lobby, be they professional interests or voluntary groups. To that end, this section also had cross-party support. Secondly, the proposed change to the homelessness legislation was also to ensure that homeless people would not be disadvantaged as a result of stock transfer (*Scottish Executive, 2000: 4*). Earlier evidence provided by Shelter Scotland to the inquiry into Stock Transfer, undertaken by the then Social Inclusion Housing and Voluntary Sector Committee, had described how only 10% of housing



association lets went to statutory homeless people, with the majority of homeless people being housed in council accommodation (*Social Inclusion, Housing and Voluntary Sector Committee, 1999*). This would have created problems where stock transfer was endorsed by local tenants since councils, who house the majority of homeless people and have the legal responsibility to ensure they are, would no longer own the housing stock.

Part two of the Bill set out proposals for a common tenancy to be made available to all tenants of social landlords in Scotland. This was intended to give tenants of registered social landlords and local authorities the same fundamental tenancy rights. Previously, there were differing arrangements in the two sectors and tenants moving between social landlords could receive different rights and levels of service. The aim of the legislative changes in the Bill was to create a single tenancy - the Scottish Secure Tenancy - which would deliver a uniform set of rights across the socially rented sector (*Scottish Executive, 2000: 7*). Contained in this section were new rights of succession, extended to include new rights for carers to succeed a tenancy. Moreover, the terms upon which the Scottish Secure Tenancy is based now recognise same sex relationships. The Bill also set out provisions to encourage greater tenant involvement in decision-making. This took the form of new rights to information, consultation and participation, as well as duties on landlords to prepare a strategy for promoting tenant participation (*Scottish Executive, 2000: 7-8*).

In sections thirty five to forty four, the Bill outlined a new extended right to buy for tenants in the socially rented sector, which forms part of the Scottish Secure Tenancy. Tenants living in housing associations would be given the same right to buy their home as tenants living in council housing. The policy memorandum stated this would enhance the rights of all tenants, ensuring that the principle of equality across the whole sector was met. The Executive defended this policy position by restating the historical popularity of the right to buy which was popular with tenants who, like many others, aspired to own their own home (*Scottish Executive, 2000: 11*).

The main components of the proposals, and their associated objectives, included: reform of the discount structure so that it would more fairly reflect the subsidy associated with mechanisms to support housing, extending the initial eligibility period to ensure that those who benefited from the right to buy had paid rent as a tenant for a reasonable period, extending the current exemption provided to certain registered social landlords with charitable status to include those who had obtained charitable status in recent years, and finally enabling councils to have their areas designated as pressured areas, where acute shortages of socially rented housing were likely to be exacerbated by the right to buy (*Scottish Executive, 2000: 8*).

As we will see in later chapters the extension of the right to buy, affecting most of the socially rented

sector, was the most contentious issue in the Housing Bill. It was, for example, often mooted by the Scottish National Party that the extension of the right to buy was an Executive trade-off with tenants to encourage those balloted on stock transfer to vote in favour of community ownership. Moreover, housing professionals and groups in the voluntary sector were also critical - but for different reasons. A glance through some of the submissions made to the Social Inclusion, Housing and Voluntary Sector Committee, which was renamed the Social Justice Committee on 8 January 2000, makes this clear. The Chartered Institute of Housing noted:

...it is absolutely clear that the right to buy has damaging effects. Most housing professionals would love to do away with it (*Social Justice Committee, 2001*).

COSLA stated:

...the right to buy does exacerbate shortage of supply issues...our members have consistently reported that the loss of what is generally the best stock in their areas leads to problems of residualisation and lack of good quality stock to deal with issues of mainstream and homelessness demands (*Social Justice Committee, 2001a*).

And SAY Women highlighting the gender perspective, argued:

...we have serious problems that the extension to the right to buy will cut off options in the future for many of the young women who we accommodate or those who we are unable to accommodate. Therefore, we would not like an extension to the right to buy to be included in any Housing Bill and we would like the existing right to buy to wither away. In the longer term that is an aspect of the Bill that could seriously affect decent accommodation options for the women with whom we deal (*Social Inclusion, Housing and Voluntary Sector Committee, 2000a*).

Parts three and four of the Bill proposed legislative changes to create a single regulatory framework and to convert Scottish Homes from a non-departmental public body to an Executive Agency. The new regulatory framework was extended to cover, not just housing associations as in the past, but also other bodies providing social housing - to be collectively known in the future as registered social landlords (*Scottish Executive, 2000: 12*). The earlier consultation document had initially proposed that the regulatory framework would also include the housing management activities of local authorities; however this was dropped from the Bill after housing professionals voiced concern over its workability.

There was wide-ranging support for the basic proposal to wind up Scottish Homes as a separate non-departmental public body in order to make it more accountable. There were concerns raised, especially by COSLA, who had reservations about the range of powers and functions invested in the new Executive Agency. COSLA told the Local Government committee:

...we do not believe that the new Executive Agency should have a role in promoting the development of new landlords, advising local authorities on housing plans and assessing those plans or on promoting community regeneration...there is considerable potential for confusion and duplication and for conflict with the independent regulatory role (*Local Government Committee, 2001*).

The Scottish Federation of Housing Associations also considered it 'essential that regulatory decisions

are free from political influence...[and for that]...reason Ministers should not preside over the Regulatory Committee' (*Scottish Federation of Housing Associations, 2000:4*), while the Chartered Institute of Housing suggested that 'the regulator should have a regulatory advisory board which specifically advises the Executive Agency on the development and implementation of regulatory policy and practice' (*Chartered Institute of Housing, 2000:9*). The Scottish Executive responded to these concerns by noting in the policy memorandum which accompanied the Bill:

...[t]he Scottish Executive does not believe that there are any serious conflict of interest issues which cannot be resolved by suitable administrative arrangements. Furthermore, the Executive's intention is that the increased strategic role of local authorities will, over time, include them taking a lead in allocating development funding (*Scottish Executive, 2000:16*).

Responding to specific concerns raised by the Scottish Federation of Housing Associations and the Chartered Institute of Housing, the Scottish Executive added:

...[t]he arrangements...are to have a standalone executive agency operating within the context of a published framework document, with an accountable chief executive and with access to the independent scrutiny and advice of non-executive directors. Those arrangements should deliver the reassurance that Ministers will not be involved in the day to day affairs of the agency (*Scottish Executive, 2000:16*).

Part five of the Housing Bill set out recommendations to enhance the strategic role for local authorities in planning and funding social housing in their area. To this end, the legislative recommendations contained in the Bill made local authorities responsible for producing strategies which identified the housing needs in their area (*Scottish Executive, 2000:17*). More specifically, prior to preparing these local housing strategies, local authorities would be required to carry out an assessment of the nature and condition of housing stock, the needs of the local population, housing demand and availability and any other matter specified by Scottish Ministers (*Scottish Parliament Information Centre, 2001:38*). In addition to local housing strategies, the Executive proposed the creation of strategic local housing budgets, the intention being to combine strategic planning functions with the necessary finance in one organisation (*Scottish Executive, 2000a:12*).

Finally, part six of the Bill set out legislative proposals for modernising the improvements and repairs grants system, constituting the only main section of the Bill dealing with the private sector. In the Bill provisions are made to expand the type of work eligible for financial assistance from an improvement grant. New elements included the provision of safe electrical wiring, adequate heating and insulation and smoke detectors plus entry phones and fire retardant front doors for houses with communal stairs (*The Scottish Parliament Information Centre, 2001:44*). The Bill also gave Scottish Ministers power to make regulations allowing local authorities to assess applicants' ability to make a contribution to the costs of improvements. The statutory limit of improvement grants, before the Bill, was up to 50% of the total cost of improvements works, subject to a cash value of £12 600 per house. This was replaced with a maximum 'approved expense' which would be any amount up to £20 000 per house (*Scottish*

### *Conclusion*

As we will see in the course of the thesis the Executive's legislative proposals did, for the most part, remain intact. Despite the general thrust of the Bill being accepted, there were a number of modifications to the Bill which are still worthy of note. Replacing the duty on registered social landlords to provide mechanisms for tenant consultation with the stronger duty of tenant participation is one such change. Modifying the discount levels to the modernised right to buy from 50% or £20 000 in the consultation document down to 35% or £15 000 in the final Act, is another. Interestingly, both of these policy modifications took place at stage two of the legislative process, as did the inclusion of fuel poverty which will be discussed in chapter nine.

These are the most fundamental changes that took place throughout the legislative process and, while certainly significant, should not detract from the vast majority of proposals which were left untouched. This does not mean that all the other provisions in the Housing Bill were wholeheartedly endorsed by opposition parties or interest groups alike, but rather it is, to a large extent, a reflection of the way in which the committee system and the other legislative stages that are played out in the plenary session operated. By the same token, a large number of more detailed points - many of which were of a highly technical nature - were changed as a result of discussions between parliamentarians, civil servants, Ministers and interest groups. More widely, the *Housing Improvements Task Force* was correspondingly set up by the Scottish Executive with a specific remit to focus on the private sector. This was in direct response to the disappointment voiced by many in the housing lobby that the long awaited Scottish Housing Bill was predominately focused on the socially rented sector. This, and other incremental modifications just mentioned, point to an exchange based relationship taking place between key policy players, even if, for the most part, this did not mean that the Executive had to concede on any of its fundamental housing and homelessness policies.

### *Outline of thesis*

This thesis has ten chapters. The second will discuss the theoretical approaches that have been used to help describe and, to some extent, explain the findings from the research. These include: pluralism, corporatism, policy networks and the insider/outsider typology. The third chapter will detail the qualitative and quantitative approaches that were employed and the benefits gained (and the pitfalls to be aware of) from using a single case study approach. Chapter four draws mainly on the survey data which is also accompanied, where appropriate, by extracts from interviews. The discussion in chapter four is predominately concerned with identifying the 'housing lobby', while reference to the Consultative Steering Group's principles is also made. The fifth chapter is devoted to analysing the strategies, tactics and status of interest groups involved, to varying degrees, in the Housing Bill by critiquing the insider/outsider model, initially developed by Grant (1978) and then 'revisited' by

Maloney *et al* (1994). Chapter six describes the role of the Homelessness Task Force in policy development as well as the role and remit of other working groups set up by the Executive to look at particular aspects of the Housing Bill. These descriptions are also complemented by a normative look at the concerns raised in the policy network literature (*Marsh and Rhodes, 1992:199-200*) regarding the Parliament's absence from these networks and the oligopolistic tendencies these networks are purported to develop. Chapter seven focuses on the role of civil servants in the pre-legislative consultation stage, while more general reflections of the five civil servants most involved in the Housing Bill are offered. The eighth chapter examines the committees' evidence taking stage, which precedes stage one of the legislative process. The accounts of both interest groups and all committee members from the Social Justice Committee are provided. The longest of the chapters, chapter nine, is dedicated to the three legislative stages that make up the formal legislative process. The analysis in this chapter builds on a combination of interviews with representatives of interest groups, civil servants and MSPs. This is complemented by frequent references to the Official Report and personal reflections from the non-participant observation that was undertaken throughout the parliamentary process. Chapter ten concludes the thesis.

## Chapter 2

### Literature Review

#### Introduction

The policy network approach is a meso-level concept and as such can be employed along with models of power distribution (Rhodes, 1997:32). The approach helps to classify the patterns of relationships between interest groups and governments organised into policy networks which is now widely accepted as being one of the most, if not *the* most, important relationship in the study of public policy making (Richardson and Jordan, 1979, Dowding, 1995:136). Other policy making models exist, such as the rational choice model (Heywood, 1997:382-383) and the incremental approach espoused by Lindblom as the 'science of muddling through' (Braybrooke and Lindblom: 1963, Lindblom, 1959). These approaches though are about the content of policy making as opposed to structures, and it is these structures or networks that are the focus of this research. With this in mind, pluralism and corporatism will initially be discussed, before examining the differing interpretations within the policy network approach. I will then analyse the main contributions to the insider/outsider typology which is used to classify both the strategies and status of interest groups, before concluding with a discussion on the notion of power.

#### Pluralism

The review of pluralism will take into account both descriptive and normative versions. In its most basic meaning, pluralism signals a theorised preference for multiplicity over unicity and for diversity over uniformity (McLennan, 1995:25). More specifically, the literature by Bentley (1908), Dahl (1956, 1961), Truman (1951), Lindblom (1977) and Schmitter (1979) defines pluralism as a system of government-interest intermediation. McLennan argues that through these writings pluralism has essentially become the study of the formation and intermediation of political interest groups as a precondition of competitive liberal democracy (McLennan, 1995:34).

Arthur Bentley provided one of the earliest accounts of tying together pluralist theory with a group approach. In *The Process of Government* he argued that organised groups provide the fundamental building blocks in a political process. He famously noted:

...[w]hen the groups are adequately stated, everything is stated. When I say everything I mean everything (Bentley, 1908:208).

In *The Governmental Process* David Truman followed on from Bentley, writing:

...[t]he behaviours that constitute the process of government cannot be adequately understood apart from the groups...which are operative at any one point in time (Truman, 1951:502).

Kimber and Richardson (1974:4) suggest Truman contributed a more refined approach to the study of



groups in the political process than Bentley. Truman, like Bentley, took the role of groups to be the central unit in the political process but he identified a number of elements which would provide checks in society to prevent an excessive concentration of power in the hands of one group or any set of groups. These elements were an overlapping membership (1951:508) and the emergence of potential interest groups (1951:511). Smith (1990:305) notes:

Truman suggested that there are groups with shared interests but which do not actually become organised. Nevertheless, these groups could become organised if a dominant group threatens their interests sufficiently. This threat ensures that political leaders take note of their interests without the potential groups taking political action. In addition, people have multiple membership of unorganised groups which balance the political system and these groups will be dominant with sufficient frequency...so that...both the activity and methods of organised interest groups are kept within broad limits.

However, it was Dahl's study (1961) on the decision making process in the American town of New Haven that provided the empirical evidence to support the pluralist theory. It should though be noted that McLennan argues that if we are to take pluralism in any pure sense then Dahl's study actually came out with "quite 'anti-pluralist' conclusions" (McLennan, 1993:60). Dahl found that the decisions taken in three specific policy areas within New Haven had been determined by three mutually exclusive groups. Dahl (1961:311) concluded that no single elite existed but that there was a plurality of interests which had unequal resources and hence these interests had a disproportionate ability to influence decisions. He noted:

...[i]n the course of the past two centuries, New Haven has gradually changed from oligarchy to pluralism...[t]his silent...revolution has not substituted equality for inequality so much as it has involved a shift from cumulative inequalities in political resources...to non-cumulative or dispersed inequalities (1961:227).

Dahl characterises these 'dispersed inequalities' as follows: many different kinds of resources for influencing officials are available to different citizens; with few exceptions, these resources are unequally distributed; individuals best off in their access to one kind of resource are often badly off with respect to many other resources; no one influence resource dominates all the others in all or even in most key decisions; with some exceptions, an influence resource is effective in some issue-area or in some specific decision but not in all; and virtually, no one, and certainly no group of more than a few individuals, is entirely lacking in some influence resources (1961:228).

Schmitter also offers a comprehensive definition, encompassing (and perhaps confusing) both the normative and descriptive elements of pluralism, writing:

...[p]luralism can be defined as a system of interest representation in which the constituent units are organised into an unspecified number of multiple, voluntary, competitive, non hierarchically ordered and self-determined (as to type and scope of interest) categories which are not specially licensed, recognised, subsidised, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories (1979:15).

Marsh argues that the crucial elements of a pluralist system of interest group representation are clear. Marsh notes that there has to be a large number of groups which compete with one another for the allocation of scarce resources. The government is given a minimal passive role, merely allocating scarce resources, with its decisions reflecting the balance between the interest groups within society at a given time. Marsh goes on to argue that interest groups may make representations to government and that these groups may even become institutionalised. The government, however, remains independent of, and opposed to, too close contact with the interest groups (1983:2).

Smith (1990) and Jordan (1990a) would, however, take issue with Marsh's claim that 'the pluralist system of interest group representation is clear'. Smith (1990:302) notes that the critics who have attacked pluralism have defined the term so vaguely as to make it difficult to criticise with certainty. Jordan (1990a:286) similarly begins his argument in *The Pluralism of Pluralism: An Anti-theory* by assuming that pluralism has been an under-explicit theory: an evolving or (less flatteringly) a mutating theory, an inconsistent theory. Jordan sets out to examine whether or not there is an agreed description of pluralism and whether any single model is likely to be adequate. He concludes by stating that his review found that no well-established theory can be rediscovered. Instead there is a multiplicity of ideas tied together by a pluralist tag (Jordan, 1990a:301).

Jordan and Schubert (1992:8) suggest pluralism has both normative and descriptive connotations; the normative belief is that power and political authority should be widely dispersed to secure individual rights. Similarly, McLennan (1993:68) notes that the pluralist theory has always had two faces: one looked somewhat cynically towards the reality of elite rule in formerly democratic nations while the other was turned optimistically to the future in the hope that imperfect democracy could be steadily enhanced. Grant reiterates McLennan's point and notes that pluralist theory combines a mixture of normative and analytical elements. Grant argues that pluralist theorists seem to be simultaneously offering both an account of how society ought to be organised and a working model of how society is actually organised (2000:42).

The pluralist theory has been criticised in many ways, with some of the critiques being more fundamental than others. For instance, Rush (1992:69) acknowledges that the most obvious criticism that can be made relates to the study by Dahl which was the first piece of work to provide the empirical evidence to support the pluralist theory. Rush notes that the study could have been atypical. Although there was no reason to doubt Dahl's findings, it is unclear whether the findings can be generalisable for other cities, let alone American politics generally.

This leads on to the second point relating to the geographical focus of the literature. Jordan and Richardson (1987:53) note there is no major British contributor to the theory since the major literature



is American. Grant believes one consequence of this is that pluralist theory often seems to reflect a more open, fragmented political system than applies in the case of Britain. He goes on to write that government is often presented as highly fragmented and that this picture may have considerable validity in America where there are autonomous Executive agencies but it may be less applicable in Britain (2000:43).

It is, however, the pluralists' omission of the organised power of the state that provides its most fundamental critique. McLennan (1993:60) argues it is true that group theory does play down the role of the state as a concept and focuses instead on the representative and responsive political system. However McLennan qualifies this by citing the work of both Latham (Latham, 1952:35 cited in McLennan, 1993:60) and Dahl who he argues both provide evidence which demonstrates the pluralists were not totally unaware of the role of the state. For instance, McLennan notes that Latham pointed out the perpetual 'group struggle' within officialdom itself.

It is also argued that pluralists failed to acknowledge and recognise any distinctions between groups. Smith (1990:307) notes that although the classical pluralists did believe that power in democratic societies was widely dispersed this did not mean they saw all groups as being equal. For instance, Truman used the concept of potential groups and Dahl highlighted the wide range of political actors in New Haven. According to the pluralists, overlapping membership, wide-ranging techniques for influencing government, the sheer number of groups and a government concerned with consultation prevent the domination of a single group in most policy areas (Smith, 1990:307).

Furthermore, Bachrach and Baratz (1962 and 1970) argue that pluralists deal only with observable decisions, issues that actually get onto the political agenda, and ignore those that are kept off<sup>2</sup>. Rush (1992:69) relates this to the Marxist concept of ideology as 'false consciousness' and comments that the perceptions of individuals (which are shaped by the prevailing values in society) will affect their political behaviour. Rush believes this is a "serious criticism of the pluralist view" (1992:69). Indeed, Smith (1995:22) takes up this point acknowledging that pluralists concentrate only on observable behaviour, failing to take account of the role of ideas and ideology in the policy process. Smith also notes that the pluralists concentrate on which pressure groups are involved in the policy process to the detriment of looking at who is excluded. Often this exclusion is the result of unobservable phenomena such as the 'rules of the game' and the ideology of policy makers. Smith argues that the importance of ideology demonstrates that the power or influence of a pressure group does not just depend on its resources. He writes:

...[m]any pressure groups have equivalent resources yet varying amounts of influence. Both the NFU and the NUM had a high membership, good finance and close relations with their

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2A more detailed examination of power - with particular reference to the work of Lukes - will be discussed later in the chapter.

client departments. The fact that the government has closed uneconomic pits but not uneconomic farms is not because farmers are more powerful than the miners but because of different forms of organisation...different ideologies; different perceptions and different constraints on government (Smith, 1990:308).

McLennan believes the main critical charges against pluralism are relative ones. He argues:

...[i]t is true that in comparison with other types of political theory 'the state' is *relatively* neglected. It is true that in *some* expressions of pluralism, democratic consensus is assumed to operate and the impression is given that all serious interests can be both balanced out and partially satisfied. *Occasionally* pluralists tend to take suggestive images and parallels for real: the state as broker or umpire, for example, or the social system as tending to equilibrium (1993:61).

### *Corporatism*

Acknowledging these aforementioned criticisms Jordan and Schubert (1992: 8) wrote that by the 1970s it was becoming evident that some policy making was conducted in ways that exhibited strong sectorisation as well as bargaining and co-operation between parts of the state bureaucracy and relevant interest groups. Furthermore, Marsh reflected in 1983 that in the last decade corporatism had enjoyed a growing amount of coverage in the literature (1983:2). Schmitter, responding to the various usages and guises of corporatism which, he argued, did more to dissipate and disguise the theory than to enhance its utility, produced his own definition:

...[c]orporatism can be defined as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in the exchange for observing certain controls on their selection of leaders and articulation of demands and supports (Schmitter, 1979:13).

Marsh suggests that corporatism differs from the pluralist model in a number of ways. The corporatists emphasise the presence of only a limited number of key groups representing major corporations. The groups are hierarchically structured with group leaders being able to 'deliver' their membership. Marsh adds that in a fully corporatist system, the links among the corporations and between the corporations and government would be very close. This unity would result from, and in turn reinforce, a basic consensus about how the political and economic system should operate. Finally, the state has an active role, although the exact nature of the role depends on what variant of corporatism is being used (1983:3).

Schmitter also offers a comparison between pluralism and corporatism, believing both theories share a number of basic assumptions such as, *inter alia*: the growing importance of formal associational units of representation; the persistence and expansion of functionally differentiated and potentially conflicting interests; and the burgeoning role of permanent administrative staffs, of specialised information, of technical expertise and, consequently, of entrenched oligarchy (1979:15).

Nevertheless, Schmitter maintains that, despite these wide areas of mutual agreement, corporatism and pluralism differ markedly. He suggests that while these two theories recognise and accept the growing structural differentiation and interest diversity in the policy process, they offer opposing political remedies and divergent images of the institutional form that such a modern system of interest representation will take (*Schmitter, 1979:160*). Interestingly, in his attempt to differentiate the two he mixes both normative and descriptive elements. He writes:

...[t]he former...[the pluralists]...suggest spontaneous formation, numerical proliferation, horizontal extension and competitive interaction; the latter advocate controlled emergence, quantitative limitation, vertical stratification and complementary interdependence (*1979:160*).

Jordan and Schubert offer a more straightforward comparison arguing the distinction between pluralism and corporatism can accurately be related to: competition versus monopoly recognition by the state; or the openness of access to the network versus social closure; or the role of interests influencing policy in pluralism versus policy legitimization and implementation in corporatism (*1992:10*). Leo Panitch however warns of the dangers of positioning corporatism as an alternative 'problematic' to pluralism. In Panitch's 'Recent Theorizations of Corporatism' he not only identifies a profound lack of agreement over what corporatism actually refers to, but he also takes issue with Schmitter's definition (who is seen as one of the most influential contributors) (*1980:159-160*). Panitch argues the very way in which the concept of corporatism is constructed by Schmitter as a polar opposite to pluralism leads it to replicate many of the theoretical inadequacies of the latter (*1980:167*). This point is made by Nedelman and Meier who believe that the very fixation of the concept of corporatism with the previously dominant model of pluralism contains a number of pitfalls. By taking over the dimensions of the latter - such as 'numbers of organisations', 'intra-sectional monopoly of interest representations', 'degree of competition between the organisations' and so on, and just changing or inverting the empirical values of these dimensions or variables, one risks the same conceptual and theoretical difficulties as occur with pluralism (*1977:40*). Panitch fails to offer the reader any new definitive answer as to how corporatism should thus be defined. He concludes by suggesting that for a definition of corporatism to be agreed upon it would have to be so formal as to be of little substantive use. The debate over definitions, Panitch suggests, is really a debate between different theoretical frameworks in which normative and ideological preferences play their part (*1980:183-184*).

Not only is the definition of corporatism problematic but Smith argues there is a tendency to apply the theory to a wide range of different relationships (*1995:26*). Frequently, he argues, it is used to characterise any close relationship between government and an interest group whether it be interventionist, bilateral or purely consultative. Grant believes Britain has experimented only with weak forms of corporatism (*2000:5*). He suggests that in the context of incomes policy, which was one of the main drivers of corporatism, it quickly became apparent that the employers and the unions in Britain had difficulty in delivering their side of the bargain. Marsh, however, identifies a corporatist

trend between the trades unions and the owners of big business with the government, noting that contact between these groups and the government in the 1960s became more formalised. In the 1960s governments of both parties began to establish committees, on which interest groups were represented, in order to advise government on policy. Marsh argues that the best known of these was the National Economic Council which was essentially tripartite in nature, including the TUC and the CBI and representatives from government. The process expanded so rapidly in the 1970s that a new word, 'quango', was coined to describe these non-governmental organisations which were increasingly taking a role particularly in the administration of policy. Marsh writes:

...[f]ormal contact within advisory bodies was replacing informal contact in the Department as the major link between interest groups and government. Of course, both the groups and the government stood to benefit from these contacts. The government obtained information and advice on appropriate policy areas and if a policy preference was agreed by the various groups...implementation of the policy was much easier. At the same time the groups, and in particular the group leaders, thought they benefited because their position was legitimated, their authority established, and thus members were easier to attract (1983:5).

Marsh notes that in the 1970s there was a drift towards even more intervention in the market. In this way governments moved towards prices and incomes policy and again this drew interest groups, like the TUC, more overtly into the political process (1983:7). Grant maintains though that after the 1970s Thatcherism and corporatism proved to be incompatible (2000:54), while more theoretically, Schubert and Jordan (1992:10) believe that corporatism (and indeed pluralism) in their 'unqualified' form appear to be at odds with the empirical evidence presented in case studies. For instance, Schubert and Jordan argue that groups involved in relations with political authorities inevitably utilise both pluralist and corporatist strategies. Competition, for example, between firms or between employers and employees, often co-exists with a consensus on a general political goal such as economic growth. By the same token, the consensus that underpins corporatism cannot remove all tensions between constituent bodies - for example, the antagonistic relations between employers and unions (Schubert and Jordan, 1992:10).

McLennan acknowledges, in contrast to the argument forwarded by Schmitter, that pluralism and corporatism are not necessarily polar opposites, believing that the neo-corporatist<sup>3</sup> scenario was not in fact as dramatically anti-pluralist as was sometimes claimed (1995:38). McLennan argues that the neo-corporatists retained the background conception of a political bargaining process in which the various competing interests are approximately equal in strength and status - a central pluralist assumption (1995:38). He does, however, agree with Grant (2000) and Marsh (1983) that in spite of its early promise, neo-corporatism faded rather badly during the revival of neo-liberalism and the 'rolling back of the state' in advanced capitalist nations during the 1980s.

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<sup>3</sup>McLennan uses 'neo-corporatism' to distinguish it from the 'corporatist' theories of inter-war European fascism. This contrasts with most of the literature where the 'neo' is omitted.

Smith argues that neither pluralism nor corporatism provide a completely satisfactory explanation of the role of groups in the policy process (*Smith, 1995:26*) while Jordan and Schubert believe that the 'ideal types' of pluralism and corporatism fail to fit with the empirical evidence presented in numerous case studies of policy making (*1992:10*). Elite pluralism could be offered as an alternative. In Dahl's later work in 1971 he described a system of polyarchy - the rule of the many - in which the state and its political structures provide an arena in which interests can bargain and compete over policy proposals. No one group in society constitutes a majority interest and society therefore consists of competing, though not necessarily equal, minority interests (*Rush, 1992:68*). Jordan believes the concept of polyarchy allowed Dahl (and Lindblom) to distinguish between the ideal type of democracy and the practices of imperfect approximation to democracy found in actual societies (*1990a:287*).

Marsh (*1983:11-12*) argues that elite pluralism differs from the classical pluralist model in two major ways. First, there is a greater acceptance that all individuals may not be represented by groups and that some citizens would therefore be under represented. Secondly, elite pluralism admits that groups are less open and responsive than the classical pluralists assumed because all organisations tend to be hierarchically run.

However...[elite pluralism]...believe[s] that the system remains pluralist and democratic both because the elite-run groups still compete with one another, so no one group dominates, and because the government remains independent of any particular group (*Marsh, 1983:12*).

Marsh maintains, though, that despite the perceived differences between classical and elite pluralism, the definitions and methodology would remain the same, while also pointing out that elite pluralism may have certain corporatist elements (*Marsh, 1983:12*).

Responding to the aforementioned criticisms of both theories Schubert and Jordan suggest that we should:

...desert the simple notions of pluralism and corporatism and develop a typology in which network is a generic label embracing the different types of state/interest group relationships that exist in the process of determining any individual policy output (*1992:10*).

They argue that instead of relating to some single umbrella concept such as corporatism and pluralism we should instead characterise the relationships between groups and government by looking at these relationships as different kinds of networks which can have different dimensions, qualities, membership and so on (*1992:27*). Rhodes also proposes a 'network approach' which he too views as an alternative to both the pluralist and corporatist models (*1997:30*).

### *Policy Networks*

The policy network approach has become the dominant paradigm for the study of the policy making process in British political science (*Dowding, 1995:136*). The policy network literature draws heavily

on the work of Richardson and Jordan (1979) who argued that Britain was experiencing post-parliamentary democracy in which policies are developed in negotiation between governmental agencies and pressure groups, organised into policy communities. Richardson and Jordan noted:

...it is the relationship involved in committees, the policy community of departments and groups, the practices of co-option and the consensual style that better account for policy outcomes than do examinations of party stances, manifestos and of parliamentary influence (Richardson and Jordan, 1979:33-34).

Richardson (2000:1006) adds that the core argument in the post-parliamentary thesis was that policy change generally took place only when the relevant 'policy community' agreed it was necessary and a consensus existed on the direction of change. The term community was:

...chosen deliberately to reflect the intimate relationship between groups and departments, the development of common perceptions and the development of a common language for describing policy problems (Richardson, 1993:93).

In *Understanding Governance* Rhodes (1997) draws upon the fundamental arguments in the post-parliamentary thesis. Rhodes comments that the traditional Westminster model of explaining policy making, which focuses on parliamentary sovereignty, strong cabinet government, accountability through elections and so on, should be replaced with an analysis of 'the differentiated polity' which is characterised, amongst other things, by a segmented executive, policy networks and governance (1997:5-7). Richardson notes that nearly twenty years after the formulation of the post-parliamentary thesis, the current emphasis on the notion of governance appears to stress these very same tendencies (2000:107). Indeed, governance is seen as signifying:

...a change in the meaning of government, referring to a *new* process of governing; or a *changed* condition of ordered rule; or the *new* method of which society is governed...it refers to self-organising, interorganisational networks (Rhodes, 1997:35).

For Williams these interorganisational networks - or policy networks - and their role in public policy making are central to Rhodes' argument (2000:412). According to Rhodes they are important for six reasons: policy networks limit participation in the policy process; they define the roles of actors; they decide which issues will be included and excluded from the policy agenda; through the rules of the game, they shape the behaviour of actors; they privilege certain interests, not only by according them access but also by favouring their preferred policy outcomes; and they substitute private government for accountability (1997:9-10). Essentially, policy networks are about who rules, how do they rule, and in whose interests do they rule. Thus, according to Rhodes, policy networks are about how power is exercised and who benefits (1997:10).

Rhodes distinguishes between five types of networks ranging along a continuum from highly integrated policy communities to loosely integrated issue networks. These networks are also



distinguished by their membership and the distribution of resources between members (1997:38). Rhodes defines policy communities by: stability of relationships; continuity of a restrictive membership; vertical interdependence based on shared service delivery responsibilities; and insulation both from other networks and invariably from the public (including the Parliament). Rhodes also defines professional networks which express the interests of a particular profession and have a substantial degree of vertical interdependence. He defines intergovernmental networks based on the representative organisations of local authorities, producer networks distinguished by the prominent role of economic interests, and finally issue networks, which he defines as being unstable, having a large number of members and limited vertical interdependence (Rhodes, 1997:38-39).

Rhodes and Marsh (1992:183) argue that when these types of networks are presented in tabular form<sup>4</sup> it immediately reveals some of their problems. They argue that the typology is presented as a continuum and while it is easy to see why the policy community and the issue network are at opposite ends of the continuum, the locations of the professional network, the intergovernmental network and the producer network are less clear. Moreover, they argue that Rhodes' model appears to conflate two separate dimensions. Clearly, policy networks differ according to their integration, stability and exclusiveness, but networks also differ according to which interest dominates them since they may be dominated by professional interests, economic interests or the government (Rhodes and Marsh, 1992:183-184). However, Rhodes and Marsh do offer a defence of Rhodes' model by noting that Rhodes' model implies there could not be a producer or professional dominated policy community because policy communities are either dominated by the Government or they serve the interests of all the members of the community, given that over time they develop common interests (1992:184).

Bearing these criticisms in mind Rhodes and Marsh (1992:187) develop Rhodes' (1986) initial model and concentrate purely on the distinction between policy communities and issue networks. The typology<sup>5</sup> provides detailed characteristics of what constitutes a policy community and issue network. They are, however, quick to point out that these characteristics form an ideal type and that actual relationships between Government and interests should be compared to it. They concede that no policy area will conform exactly to either list of characteristics and that it is important to focus on trends in a given policy area in order to explore the extent to which the policy network is becoming more or less integrated or whether an interest is becoming more or less dominant (Marsh and Rhodes, 1992:186-187). As a result of no policy area ever conforming exactly to either list of characteristics, Marsh and Rhodes (1992:187) stress the need to retain the term 'policy network' as a generic description. This is echoed by Jordan and Schubert (1992:1) who also employ the term 'policy network' as a generic label, embracing the various types of network relationships. This is in

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<sup>4</sup>See Appendix A

<sup>5</sup>See Appendix B

response to the belief that:

...the existing confusion of labels signals a greater variety than they actually deliver (*Jordan and Schubert, 1992:1*).

Before we examine the usefulness of the policy network approach and the normative implications that it raises we will first review some contributions by authors other than Marsh and Rhodes. Raab (1992:69) considers the utility of the policy network approach in relation to the education policy process in Britain, with particular reference to Scotland. Raab (1992:79) notes that the study of action and human agency would make an important contribution to the understanding of policy networks by opening up the making, maintenance and unmaking of stable patterns. He argues this research strategy would emphasise depth and complement the more fully developed approach in the literature which emphasises breadth by elaborating dimensions, types and levels of networks. One way to do this is to consider 'networking' as opposed to 'network' with Raab believing this would illustrate the dynamics of action between participants, the properties of exchanges and transactions, and the ties that develop (*Raab, 1992:79*). In particular he emphasises 'trust' between the participants within the policy network and notes that, in a previous analysis of a Scottish education policy community (*McPherson and Raab, 1988*), personal trust was a constituent property of that network (1992: 81). Raab concludes by discussing the changing education 'partnership' in Britain, constructing this concept as one that serves both actors as well as observers, and which has affinities with other analyses of policy networks.

Hanf and O'Toole (1992:163) note that most of the current work on network analysis tends to concentrate on the relationship between actors and the context within which various actors engage in the formulation of public policy. Consequently, analysis of the inter-organisational structures through which policy is implemented receives less attention. They argue there is a need to go beyond description of the relationships that occur in complex policy systems to a framework for considering the problem of policy management within multi-actor and multi-level structures (1992:178). Hanf and O'Toole conclude by arguing there are three distinct traditions in the policy network literature. First, there is a body of literature with an interest in policy sub-systems and policy communities, which appears to be primarily interested in the structural conditions under which policy is formulated. A second group takes as its point of departure the perceived crisis of governance, and addresses the role of government in the increasingly inter-organisational context of action. Finally, there are those interested in the analysis of policy implementation. In response to these perceived imperfect linkages between the literatures, Hanf and O'Toole call for the utilisation of a common concept (1992:178).

Frans Van Waarden (1992:29) comments on the conceptual ambiguity that exists in the state-civil society literature. Van Waarden notes that a range of labels have been applied without being defined and operationalised sufficiently so as to remove misunderstanding. As a result, different authors have used similar labels to describe different phenomena, or different labels have been used for similar



phenomena (1992:49). Unlike Marsh and Rhodes (1992), Van Waarden deals with pluralism, corporatism and clientelism as ideal types of policy networks. In an attempt to remove some of the conceptual ambiguity, Van Waarden concludes by selecting three dimensions which have particular importance in distinguishing between the various types of networks. The first dimension relates to the number and type of societal actors which could be one major interest group with a representational monopoly to an unlimited or unspecified number of participants. The second dimension relates to the major function of the network which could include organisations assisting in implementation which are endowed with formal or de facto statutory authority by the state. And finally, the third dimension that Van Waarden identifies is the balance of power - whether state agencies or societal organisations dominate (1992:49).

Further study of policy networks has been undertaken by Wyn Grant who compared government-industry relations in the dairy sector in the European Community, Canada, the United States and New Zealand. He used the study of the dairy sector to review a selection of theoretical perspectives on the relationship between government and organised interests. Grant concluded (1992:65) by noting that no one model can adequately explain policy making and policy change within the dairy sector. In the article he argued that the insights provided by the corporatist and policy community models can be useful but need to be supplemented by other approaches. The policy community and corporatist model can enhance our understanding of the ways in which a particular (institutionally dense) pattern of interaction between government and groups is related to a stable pattern of policy outputs which is resistant to change. The policy community and corporatist models are less helpful though in explaining rapid and fundamental change as opposed to stability and incremental change. Grant concludes by highlighting that his analysis of the dairy sector reinforces the widely held belief that studying interest organisations in isolation is not worthwhile. It is necessary to study the interrelationships of Ministers, bureaucrats, quasi-governmental bodies and interest organisations. He insists that interest organisations have to be seen as part of the wider policy community and this must not be seen as a mechanical network of interactions, but as an entity which shares certain assumptions about policy objectives, procedures and 'rules of the game' (1992:66).

Other, international contributions to the policy network debate include the work by Yishali who examined Israeli health policy and concluded, *inter alia*, that the shift from an issue network to a policy community was encouraged by two contrasting processes. First, there had to be an increase in the scope of state policy making which led to centralisation and second, there was a need to rely on actors outside the realm of the state, which led to the decentralisation of power. Yishali argued that the case study in her paper amply demonstrated that a positive balance of payoffs between the state and associations is a necessary condition for the emergence of a policy community (1992:106-107). Moreover, Schneider compared the structure of policy networks in two different policy domains in

Germany: telecommunications and chemicals, where he found that different types of networks existed (1992:109). The chemicals industry demonstrated corporatist elements and this enabled the government to secure the societal support for a given policy by means of cooption of a very small number of actors in the inner policy making circle. In contrast, telecommunications was epitomised by a 'pluralistic profile' where the wide array of interested actors was too large for any efficient policy bargaining to be possible (1992:126).

Wilks and Wright adopted a societal-centred approach in their examination of policy networks and emphasised interpersonal rather than structural relations as key aspects of the policy network. This model allowed for the recognition that not all the same policy issues within the same policy sub sector would necessarily be handled in the same network and that members of a policy community could be drawn from different policy communities within the same policy area (1987:298). Their emphasis on disaggregation and personal relationships stood at odds with the preferred macro-level of analysis developed by Rhodes (Rhodes and Marsh, 1992a:17, Rhodes, 1997:32).

In spite of these differing interpretations a degree of commonality does exist. A network is essentially a framework in which the policy agenda and policy proposals are thrashed out between participants of the network. These participants include bureaucrats, Ministers, parliamentarians, academics or representatives from interest groups. Over time they form relationships with one another and become predisposed to enter into some kind of resource exchange, implying a causal relationship exists. Thus, participants in the network are dependent upon others for resources (Rhodes, 1981:98) and such resources range through constitutional-legal, organisational, financial, political or informational (Rhodes, 1997:37). Often there can be coalition building between participants and as such a dominant coalition can emerge (Rhodes, 1981:98), influencing the way in which the policy problem will be addressed and the resources that will be sought. The dominant coalition within the network can also employ strategies within known rules of the game in which to regulate the process of exchange. Variations in the degree of discretion (or agenda setting) are products of the goals and the relative power potential of interacting participants (Rhodes, 1981:98).

As mentioned earlier, Rhodes sees policy networks as a meso-level concept. He points out that distinctions must clearly be made between the micro-, meso- and macro levels of analysis (Rhodes, 1997:37). The macro-level of analysis involves an account of the changing character of British government. The meso-level of analysis focuses on the variety of linkages between the centre and the range of sub-central political and governmental organisations, whereas the micro-level of analysis stresses the behaviour of actors, be it individuals or organisations (Rhodes, 1997:37). As Rhodes explains:

...[t]he interrelationship between the macro-level and meso-level is a key element in explanation of the changing pattern of network relationships and their outcomes. However,

networks are rooted in resource exchange. So, the distribution of resources between actors in a specific network remains central to any explanation of the distribution of power in that network. Equally, the different pattern both of resources, and their distribution between the several actors, in networks explains, in part, the differences between networks. The macro-level of analysis complements the power dependence by focusing on the origins of, for example, the rules of the bargaining game and why some actors control more resources than others (1997:37).

Rhodes and Marsh argue the existence of a policy network, or more particularly a policy community, constrains the policy agenda and shapes policy outcomes (1992:197-198). Put differently, policy networks foster incremental outcomes, thereby favouring the status-quo or the existing balance of interests in the network. Marsh and Smith similarly argue that policy networks have a role in explaining policy outcomes. They believe the relationship between networks and outcomes is not a simple, unidimensional one but that instead relationships are interactive or dialectical (2000:4).

Marsh and Smith outline these causal influences as: the broader structural context affects both the network structure and the resources that actors have to utilise within the network; the skill that an actor has in bargaining is a product of their innate skill and the learning process through which they go; the network interaction and bargaining reflects a combination of the actor's resources, the actor's skills, the network structure and the policy interaction; the network structure is a reflection of the structural context, the actor's resources, the network interaction and the policy outcome; and the policy outcome reflects the interaction between the network structure and network interaction (2000:9-10). Marsh and Smith applied this dialectical approach to agricultural policy making and concluded that policy network analysis can and does affect policy outcomes (2000:20).

Dowding notes that some of these studies (and their claims) have been ambitious and has expressed doubts over the extent to which the network approach as a metaphor or model can make the leap from offering a description of policy making to explaining policy outcomes (Dowding, 1995:150). Dowding argues:

...[w]hilst we have learned much about the policy process by cataloguing the policy world into different types of networks, the approach will not, alone, take us much further...Network analysis has proved inadequate in providing fully determined causal analysis of particular networks in structural terms (1995:136 and 158).

Dowding suggests that a rational choice approach could help better understand policy networks since it would highlight, by pulling on 'game theory', the bargaining strategies, power resources and coalition possibilities between participants of the network (1995:145). This is not to deny, Dowding argues, that the policy network metaphor has no role to play, but it is to deny that it forms the centrepiece of explanation. Policies emerge through power struggles of different interests, both within a zero-sum and variable-sum context, and within battles described as antagonistic cooperation (1995:145).

Essentially Dowding suggests that network analysis would gain more by concentrating on the features

of actors within the network which bargaining theory teaches us are important. Thus:

...we will learn more about the similarities and variances between policy networks. The resources actors use are in part determined and constrained by structured networks and the properties formal network analysis had elucidated (1995:158).

Marsh's suggestion to develop the network approach appears similar to Dowding's in that he too stressed the dialectical relationship between the structural aspects of the network and the interpersonal exchange of resources (1998:13). Either way, the network approach as it currently stands has its limitations. Added to this, it could also be argued that participants in networks themselves may be very aware of such theoretical propositions. As such it may not just be the structural aspects of the network and the resource exchange within it that affects outcomes (and this is not too dissimilar to Marsh and Smith's dialectical model) but also the understandings of actors within the network of the theoretical debates surrounding the sub-government literature (or indeed any other normative theory). Put differently, if members of networks are aware of the theoretical debates then this could provide a normative guide to actors in the network which in turn could influence the policy outcomes that originate from it.

Unlike Schubert and Jordan (1992:12) and Van Waarden (1992:29), Marsh and Rhodes (1992:199-200) point to the normative implications of policy networks for representative democracy. They argue that policy networks destroy political responsibility by shutting out the public, they create privileged oligarchies, and they are conservative in their impact because the rules of the game and access favour established interests. There are two key resources which give groups privileged access to decision making: economic power and knowledge. Marsh and Rhodes (1992:199) note the case studies consistently show that producer groups and professional groups are the groups, that, together with the government, dominate policy networks. They also highlight that the empirical work undertaken on policy networks has been conspicuously silent on the accountability of such networks. They note it is no accident that the growth of policy networks coincides with the growth of public sector professionals. The 'mystique' of these professionals not only serves to reinforce their role in the network but also strengthens the network's claim to make policy free from the 'irritating' constraint of political, especially electoral, legitimacy (1992:200). Marsh and Rhodes maintain that to describe policy networks is not to condone the oligopoly of the political system and end by posing two questions: can private government be replaced with responsible government? And are policy networks an inevitable necessity? (1992:203).

#### *New Institutionalism*

The policy network literature encourages us to see policy making taking place within a variety of 'networks' populated by different interests and different sections of government characterised by close relations. In contrast, a critique of policy networks has been developed by those who want to restore

the study of traditional institutions to the centre stage. For those who advocate a state centred and institutional focus (*Marks:1992; Powell and DiMaggio:1991; Steinmo and Thelen:1992; Bulmer:1997; Lane and Ersson:2000; Hall and Taylor:1996*) any examination of policy making should start with legislatures, constitutions and executives. As Mule writes:

...[m]any factors justify an emphasis on institutions...national political institutions structure relationships among legislators, organised interests, political parties and the electorate; institutions are resistant to redesign ultimately because they may incorporate vested interests in their standard operating procedures. For all these reasons and more institutions should not be left out from any serious political analysis (*1999:146*).

The core assumption of new institutionalism is that “institutions matter” (*Bulmer,1997:5*) and the reason they matter is because of their effect on human behaviour (*Lane and Ersson,2000:1*). New institutionalism does not however constitute a unified body of thought (*Hall and Taylor,1996:936*). Indeed, there are at least three analytical approaches, each of which calls itself a ‘new institutionalism’ and these are historical institutionalism, rational choice institutionalism and sociological institutionalism.

Hall and Taylor write that these three approaches all elucidate the role that institutions play in the determination of social and political outcomes, while at the same time acknowledging that they paint quite different pictures of the political world (*1996:936*). For instance, the rational choice institutionalists emphasise the role of strategic interaction in the determination of political outcomes (*Coleman and Fararo,1992:xi*).

That is to say, they postulate, first, that an actor’s behaviour is likely to be driven...by a strategic calculus and, second, that this calculus will be deeply affected by the actor’s expectations about how others are likely to behave as well. Institutions structure such interactions, by affecting the range and sequence of alternatives on the choice agenda or by providing information and enforcement mechanisms that reduce uncertainty (*Hall and Taylor,1996:945*).

Historical institutionalists such as Hay and Wincott (*1998*) view institutions not as some kind of functional means of reducing uncertainty but as the subject and focus of political struggle. They write:

...[c]hange is seen as a consequence (whether intended or unintended) of strategic action (whether intuitive or instrumental), filtered through perceptions (however informed or misinformed) of an institutional context that favours certain strategies, actors and perceptions over others. Actors then appropriate a structured institutional context which favours certain strategies over others and they do so by way of the strategies they formulate or intuitively adopt. Such strategies are, in turn, selected on the basis of an always partial knowledge of the

structures (the institutional context) within which the actors find themselves and the anticipated behaviour of others (*Hay and Wincott, 1998:955-956*).

Sociological institutionalists such as March and Olson favour an institutional approach to political life that emphasises the endogenous nature and social construction of political institutions, identities, accounts and capabilities (*1993:139*). Sociological institutionalists define institutions not just as formal rules and procedures but of “symbol systems, cognitive scripts, and moral templates that provide the frames of meaning guiding human action” (*Hall and Taylor, 1996:947*). To that end, sociological institutionalists emphasise:

...[t]he highly-interactive and mutually-constitutive character of the relationship between institutions and individual action...[therefore]...central to this perspective is the notion that action is tightly bound up with interpretation (*Hall and Taylor, 1996:948*).

Confusion therefore abounds over just what new institutionalism means since it has been used to refer to social phenomena at many different levels - informal codes of behaviour, written contracts or complex organisations (*Mule, 1999:146*). Indeed, Hall and Taylor argue that the ambiguities surrounding new institutionalism can be dispelled if we recognise that it does not constitute a unified body of thought (*1996:936*). In spite of this, new institutionalism does go some way to redress the institutional focus lacking in network analysis. Rhodes however would disagree, arguing that simply to describe the structure and functions of sub-central government would certainly produce an encyclopaedia of British government but it would also obscure the focus on networks and their policies (*1988:102*). Jordan is also unconvinced by the ‘new institutionalist’ argument and complains that there has been an explosion of the term ‘institution’ in recent years, writing:

...[w]hen one discovers an institutionalist approach as the core of a comparative project, one suspects that it is premature to use it...there is no agreed core meaning to this elaborate and ambitious orientation. The bread-and-butter model of sectorised decision-making seems to be both more utilitarian in its design and useful in its application to case studies (*Jordan, 1990b:483-484*).

### *Policy Implementation*

Although the implementation of the Housing Act is not considered in this research, anticipating implementation is always in the mind of policy makers, and so shapes policy all the time. Policy implementation is also just as complex as policy development and legislative scrutiny since it too can be pluralistic, involving issues of power and agenda setting.

Hogwood and Gunn (*1984*) compartmentalised the policy process into stages. Stages one to six represent the policy making process and include: agenda setting, deciding how to decide, issue definition, forecasting, setting objectives and priorities, and options analysis. Stages seven to nine comprise the implementation process, which includes: policy implementation, evaluation and review,



and policy maintenance, succession or termination. Pressman and Wildavsky wrote that implementation is 'the ability to forge subsequent links in the causal chain so as to obtain the desired results' (1984:xxiii). This essentially became the 'top-down' approach which, in its most basic form, was about putting policy into effect by monitoring and controlling resources from above. This latterly inspired the development of an alternative 'bottom-up' approach which emphasised complexity, ambiguity, negotiation and compromise. As Lipsky argued:

...[t]he decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out...public policy is not best understood as made by legislators or top-floor suites of high-ranking administrators, because in important ways it is actually in the crowded offices and daily encounters of street-level bureaucrats (1980:xii).

### *Pressure Groups*

Traditionally pressure groups were divided into sectoral and cause groups or economic and non-economic groups. Sectoral groups are interest groups that represent a specific sector of the population which has, in some way, a shared set of interests resulting from a particular social attribute. On the other hand, cause groups exist to influence policy in favour of specific causes, such as the environment or anti-abortion (Smith, 1995:8). Finer believed that for sectoral groups the order of influence was the Executive, followed by the Legislature, then political parties and then public opinion. For promotional groups the order was reversed (1958:130). In 1978 Grant wrote that, despite there being a grain of truth in this argument, it was at best an oversimplification (1978:1). This led Grant to develop a new typology for the study of interest groups which he set out in a Working Paper published by the University of Warwick in 1978. Grant wrote:

...[t]he basic distinction introduced in this paper between insider groups and outsider groups, is a distinction based on interest group strategies, by which is meant the combination of modes of action used by an interest group to attain its goals. It must be emphasised that the acquisition of insider or outsider status by a group involves both a decision by government and a decision by the group concerned. Some groups may want insider status and be granted it; others may want it but may not be able to attain it; yet others may wish to avoid becoming enmeshed in the political-administrative system and may therefore prefer to remain as outsider groups (Grant, 1978:2).

Grant argues that the basic aim of such insider groups is to establish a consultative relationship with Government whereby their views on particular legislative proposals will be sought prior to the crystallisation of the Government position. By contrast, outsider groups either do not wish to become enmeshed in a consultative relationship with officials or are unable to gain recognition as a group that should be consulted on matters within its terms of reference. The insider/outsider distinction is presented in a six-fold typology. The insider groups are subdivided into three categories: prisoner groups; low profile insider groups; and high profile insider groups. The outsider groups are similarly divided into three categories: potential insider groups; outsiders by necessity; and ideological outsiders (Grant, 1978:5-8).



Grant defines prisoner groups as those groups which find it difficult to break away from an insider relationship with government either because they are dependent upon government for assistance of various kinds or because they represent parts of the public service. He cites the tactics pursued by the chairmen and board members of nationalised industries (particularly the directors of Cable and Wireless) in a dispute over salaries with government as an example (1978:5). Grant goes on to suggest insider groups may choose between a low profile and high profile strategy, with the use of the media being the distinguishing factor. The low profile strategy would involve concentrating entirely on behind-the-scenes contacts with government, while the high profile strategy involves considerable emphasis on cultivating public opinion to reinforce contacts with government. Moreover, because of their desire to maintain their relationships with government, insider groups tend to approach any proposals for changes of strategy cautiously and incrementally (1978:5-6).

Outsider groups, by contrast, are by their nature more disparate than insider groups. Potential insider groups are those outsider groups that would like to become insider groups but face the problem of gaining the government's attention as a prelude to their being accepted as groups which should be consulted in relation to particular policy areas. Unlike the high profile insider group, for which the use of the media is a supplementary strategy, securing media attention can be the main focus of an outsider group's activity (Grant, 1978:9). Outsider groups by necessity may also wish to become insider groups, although one reflection of their lack of political sophistication may be a lack of information about the way in which the political system works and the importance of gaining access to civil servants. Grant notes that the distinction between these groups and potential insider groups is that outsider groups by necessity are less well endowed with political skills: clearly, the demarcation line between the two categories is not an insurmountable barrier and outsider groups by necessity may become potential insider groups as they acquire the political knowledge and skills. Essentially,

...[a]n interest group has to be able to deploy certain political skills before it can become accepted as an insider group. It has to show civil servants that it can (and is prepared to) talk their language; that it knows how to present a case and how to bargain and accept the outcomes of the bargaining process. If anything, the language of the British civil service is a language of veiled understatement and it is characteristic of politically unsophisticated outsider groups that their demands are presented in strident terms (Grant, 1978:9).

Ideological outsider groups, Grant notes, are careful not to become too closely entangled with the political-administrative system because they wish to challenge accepted authority and institutions (1978:11). Rather than becoming part of the existing system, they wish to replace it or alter it in some fundamental way. They may pursue this objective of fundamental change by attempting to change public attitudes or adopting more militant strategies. Grant maintains that an ideological outsider group could become an insider group if a change in the attitudes of 'political influentials' meant that its views were no longer seen as being outside the accepted spectrum (1978:11).

Maloney *et al*'s (1994) *Interest Groups and Public Policy: The Insider/Outsider Model Revisited* attempts to reformulate the insider/outsider typology in the light of a number of criticisms they make of Grant's classification of interest groups. Maloney *et al* (1994:28) argue that while Grant recognised the complexity of the task of analysing the interrelated facets of strategy and status in the insider/outsider area, he nevertheless uses the one set of terms 'insider' and 'outsider' to describe these different, albeit related, aspects. Maloney *et al* note:

...[i]f we look at the sub-divisions within his...[Grant's]...insider category we can see that 'Prisoner Groups' appears to relate to a status position, while 'Low Profile' and 'High Profile' insiders seems to be associated more to the strategies a group pursues. We would (now) prefer to consciously separate what Grant has joined together. Strategy is a matter *selected by the group*. The status position is conditional upon government granted legitimacy: it is *ascribed by policy makers to the group* (1994:28).

Maloney *et al* maintain that such legitimacy is more contingent upon the resources of the group than, as Grant implies, the strategies a group pursues. They argue that the primary factor for the Government in the allocation of insider status is the possession of a valuable resource, for example: economic power, knowledge (normally technical expertise), representative base, implementation power, and compliance power. Therefore, for Maloney *et al*, in determining a group's status, strategies are secondary to questions of resources (1994:29).

Maloney *et al* argue that status and strategy have become conflated and this has led to ambiguity. Furthermore, the literature, they suspect, has overemphasised the development of norms of behaviour as the key variable in gaining legitimacy. They doubt whether a civil servant would ignore a resource rich group because it had behaved irresponsibly in the past since there are political costs involved in excluding such groups (1994:30). In light of this, Maloney *et al* remould Grant's typology and attempt to keep the strategy and status terms analytically distinct. Focusing on status, they develop a number of classifications. With regard to insider status, these include: core insider groups, specialist insider groups, and peripheral insider groups. With regard to outsider status there are two categories: outsider groups by ideology or goal and outsider groups by choice (1994:30).

Core insiders are seen as important and relevant sources by policy makers over a broad policy area. Such groups are involved in bargaining/exchange based relationships with policy makers. Specialist insider groups are defined as having a more specific interest in restricted policy areas but are nevertheless seen by policy makers as reliable and authoritative sources of information in specialist niches. Peripheral insiders are defined as a group whose relevance to a topic is sensed to be marginal (1994:31). These are groups who can be found on consultation lists and who are granted a cosmetic type of status as insiders but whose influence over policy development is limited (1994:32).

Outside status refers to groups who do not participate in insider style politics and Maloney *et al* define this in a dichotomised form - outsiders by ideology or goal and outsiders by choice. They argue that

outsider by ideology or goal is usually self-selected by the group through its adoption of goals that cannot be accommodated in the consultative process. The second type of outsider - by choice - is used to define a group who may make an explicit decision not to become (or to be perceived as) 'ensnared' in a cosy relationship with policy makers (*Maloney et al, 1994:32*).

Maloney *et al* conclude their discussion by stressing their emphasis is on making distinctions about the influence of groups once they have met the minimalistic requirements for insider status. Access to the policy making process, they argue, is not difficult and hence they view the major cleavage in the interest group world between groups with real influence and those without: too much of the literature assumes the cleavage is between insider and outsider groups (*1994:37*). They note that civil servants need and rely on groups to facilitate the formulation of workable and effective policy (*1994:36*), and as such, civil servants look for specific characteristics which will assist in policy making. These may be technical knowledge of the policy area, relevant information, or assistance in determining the 'acceptability' of the policy. Some groups will be relevant for most issues in 'their field', while others will be influential in specialist policy niches. Many other groups are engaged in comment in a peripheral manner (*1994:37*).

It is logically impossible that in an exercise of several hundred consultees all have genuine influence, but organisations appear bound into the process because they are reluctant to give up even marginal influence...At worst, involvement in such exercises gives participants advance warning about likely policy developments - though they can do little to influence these changes (*Maloney et al, 1994:37-38*).

Page (*1999:205*) applied the insider/outsider distinction in its most general form to a survey of three hundred and eighty one interest groups in Britain. Although he pulls upon the work of Grant and Maloney *et al*, Page nevertheless restricts his own analysis to that of simply insiders or outsiders. Page notes the lack of empirical studies that have been undertaken with regard to the insider/outsider model despite this distinction occupying a central role in the thinking about the relationship between government and interest groups in Britain (*1999:205*). He comments that the evidence from his study supports a relationship between groups and government that is far closer to the pluralist model in which access to government is relatively widespread compared with the once-fashionable models of corporatism in which the ability to participate in executive decision making was argued to be the preserve of a powerful few (*1999:210*). His findings also highlight that insider or outsider status is not a binary variable: a group is not simply an insider or an outsider. Among those groups who are not pure insiders, only a tiny number are pure outsiders; the remainder have one or two characteristics associated with insider status. This leads Page to suggest that the apparent dichotomy implicit in the whole notion of an insider might be a false one; rather there appears to be a gradation of access to executive decision-making (*1999:210*).

Page's last point appeared to overlook the subtle distinctions made in the literature with both Grant

and Maloney *et al* identifying different stages or positions within the insider/outsider model. For instance, if we pull on Maloney *et al*'s typology (1994) we can see that there is no clear cut dichotomy but instead there are, for instance, core, specialist and peripheral insiders. Page nevertheless maintains that to characterise a group as an insider or outsider in the process of policy making is at best an oversimplification and at worst misleading (1999:212).

Further criticism of the typologies has also been made with regard to the possibility that groups can simultaneously pursue insider and outsider strategies. This was developed by May and Nugent who suggested a third category of 'thresholders'. These groups can be "categorised by strategic ambiguity and oscillation between insider and outsider strategies" (May and Nugent, 1982:7). Page also developed this and argued that groups can use outsider strategies without losing the close relationship with a Ministerial department associated with insider status. Page notes:

...Government departments know and understand the aspirations of, and constraints operating on, group leaders, and expect groups to make a loud noise on some things, and they will still invite them to participate in working groups and other participatory fora (Page, 1999:212).

Even though the insider/outsider typology is subject to questions as to whether or not it is a useful model, what is more certain and where there *is* agreement in the literature is with regard to the valuable role pressure groups play in policy making. The central theme of Jordan and Richardson's *Government and Pressure Groups in Britain* was that pressure group activity in Britain was normal, commonplace, unavoidable and normally desirable. The incorporation of some types of groups into the process by which policies are formulated and implemented had become routinised in a complex web of formal and informal arrangements (1987:276). Jordan and Richardson wrote that they:

...[a]ccept[ed]...the argument that group involvement in policy making strengthens democracy. Groups are also a political resource for governments in the governing process as well as a political problem for government by their articulating of demands (1987:288).

They believe the best that can be hoped for is that the more the system of interest group/government intermediation is revealed, the more citizens will come to accept that government bargaining with groups is a perfectly natural phenomenon. Jordan and Richardson, concluding in true pluralist fashion, note:

...[o]ur argument (following on from Bentley and Truman) is that this is the governmental process. We may have reached a somewhat contradictory position within the political culture in which citizens cling to traditional notions of parliamentary and electoral democracy, yet recognise the reality of political power by joining (and forming) more and more groups. We are still moving towards a situation where virtually all interests are organised, albeit in the context of an uneven distribution of power. We face new political problems of managing the consequent complexity (1987:289).

Interest groups not only possess a range of resources beneficial to government such as specialist knowledge and implementation power, but it can also be argued there is a fundamental link between

the existence of pressure groups and the very survival of a system of democratic government. Groups contribute to the quality of the decision making process and pressure groups permit citizens to express their views on complex issues (*Grant,2000:35*). That said, pressure groups activity can play its part in reinforcing existing patterns of political inequality in society while vested interests can also make it difficult to bring about necessary changes (*Grant,2000:37*).

### *Power*

No discussion would be complete without an examination of the notion of power. As Hay notes, 'quite simply, power is politics, politics is power' (*1997:45*). Power can be seen as an essentially contested concept since it has no single agreed upon meaning. Ball believes such contestability is not necessary since the various conceptions of power share several core or fundamental features, most notably the communicative aspect of power and the idea that one actor somehow affects another (*1993:552*). As Ball writes:

...without a common stock of concepts and signs, there would be no ability to communicate and no power could be exercised (*1993:552*).

Dahl argues that at the most general level, power refers to:

...subsets of relations among social science units such that the behaviours of one or more units (responsive units, R) depend in some circumstances on the behaviour of other units (the controlling units, C) (*1986:40*).

The closest equivalent to the power relation, Dahl notes, is the causal relation. He writes:

...[f]or the assertion 'C has power over R', one can substitute the assertion, 'C's behaviour causes R's behaviour'. If one can define the causal relation, one can define influence, power, or authority, and vice-versa (*1986:46*).

Dahl acknowledged that to interpret the term power as instances of causal relations meant that any attempt to distinguish true from spurious power relations would inevitably run into the same difficulties that beset the efforts to do the same for causal relations (*1986:47*).

Dahl's notion of power, put simply, is one actor's ability to make another do something that the latter would not otherwise do (*1957:203*). Hay argues such an approach has obvious appeal since power is visible and can be catalogued, classified and tabulated in terms of the realisation of preferences (*1997:46*). He does though, also acknowledge that Dahl provided no basis for ascribing importance to specific issues and decisions. Clearly, Hay writes, some decisions are more significant than others and an approach which merely concentrates on the frequency with which different groups and actors get their way is likely to distort the power relations involved (*1997:46*). Lukes' critique was less generous, believing Dahl's 'one-dimensional view' of power was limited to the more visible aspects of power and correspondingly did not reveal anything about how power was exercised to limit decision-making to acceptable policy issues (*1993:51-52*).

Bachrach and Baratz's contribution suggested the need to locate decision making within the immediate context of agenda setting. Power, they argued, is janus-faced, its complex nature merely obscured by a narrow concentration on the decision-making process. While decision making is essentially and obviously a power relation insofar as the actions of A affect B, this is not the end story. Here A devotes his or her energies to creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous to A (*Bachrach and Baratz, 1962:948*). Hay believes this 'two-dimensional view' of power represents a significant advance on that of the classic pluralists in its sensitivity to the selectivity of the decision making agenda and the mechanisms by which significant issues may be filtered out and thereby excluded from the decision making process (*1997:46*). Hay does, however, also recognise that Bachrach and Baratz's critique is not unproblematic. Like Dahl, Bachrach and Baratz assume that power relations exist insofar as there is actually observable conflict between those exercising power and those over whom it is exercised (*1997:47*). Thus, in their concentration on the observable phenomenon of agenda setting, no consideration is given to the less visible (and arguably more significant) processes by which preferences (and by their own definition interests) are shaped (*1997:47*).

Lukes similarly notes that Bachrach and Baratz's contribution, while revealing, is limited. It confines itself to studying situations where the mobilisation of bias can be attributed to individuals' decisions that have the effect of preventing current observable grievances (overt or covert) from becoming issues within the political process (*Lukes, 1993:52*). Their analysis, according to Lukes, remains superficial precisely because it confines itself to studying individual decisions made to avert potentially threatening demands from becoming politically dangerous (*1993:52*).

Lukes calls for a *radical three dimensional view of power* in response to what he perceives as the limitations of the two contributions reviewed. Like the other two, Lukes' idea of power is based on the notion that one actor somehow affects another. But unlike the other two, Lukes points out that the exercise of power is to affect another in some morally significant or non-trivial way (*Lukes, 1974:26*). Ball notes that this essentially means that to exercise power is to affect someone's interests in some adverse way, although such an account does equate 'exercising power' with 'causing harm' (*1993:550*).

What is required, according to Hay (*1997:47*), is a framework which is capable of reconciling within a single account: a sensitivity to the strategies, struggles and practices that characterise the decision-making process; the actions and inactions involved in the shaping of the agenda for the decision making process; and the actions and inactions similarly implicated in the shaping of perceived interests and political preferences. Lukes believes his 'three dimensional view' of power offers such a



framework since it offers the prospect of a serious sociological and not merely personalised explanation of how political systems prevent demands from becoming political issues or even from being made (Lukes, 1993:52). Lukes identifies an exercise of power as, *inter alia*:

...the double claim that *A* acts (or fails to act) in a certain way and that *B* does what he...[or she]...would not otherwise do...In the case of an effective exercise of power, *A* gets *B* to do what he...[or she]...would not otherwise do; in the case of an operative exercise of power, *A*, together with another or other sufficient conditions gets *B* to do what he would not otherwise do. Hence, in general, any attribution of the exercise of power always implies a relevant counterfactual, to the effect that *B* would otherwise have done...For such conflict provides the relevant counterfactual, so to speak, ready-made. If *A* and *B* are in conflict with one another, *A* wanting *a* and *B* wanting *b*, then if *A* prevails over *B*, we can assume that *B* would otherwise have done *b*. Where there is no observable conflict between *A* and *B*, then we must provide other grounds for asserting the relevant counterfactual. That is, we must provide other, indirect, grounds for asserting that if *A* had not acted (or failed to act) in a certain way - and, in the case of operative power, if other sufficient conditions had not been operative - then *B* would have thought and acted differently from the way he...[or she]...does actually think and act. In brief, we need to justify our expectation that *B* would have thought or acted differently; and we need to specify the means or mechanism by which *A* has prevented, or else acted (or abstained from acting) in a manner sufficient to prevent, *B* from doing so (Lukes, 1993:55).

Hay (1997:47) acknowledges that Lukes' achievement is considerable (if a little convoluted), but adds that Lukes' formulation is no less problematic for that. In expanding the notion of power to include preference-shaping, he is forced to draw the distinction between subjective or perceived interests on the one hand, and actual or 'real' interests on the other. Hay notes:

...for to identify a power relationship within Lukes' schema is not merely to identify a situation in which *A* gets *B* to act in a way that s/he would not otherwise have done. It is also crucially, to demonstrate that, *regardless of B's preferences*, this was indeed contrary to her/his genuine interests (Hay, 1997:47).

Hay goes on to write that by redefining power in this way, Lukes generates a situation in which no two theorists are ever likely to agree on what constitutes a power relationship. Thus, Hay argues, when it comes to identifying a particular relationship as one of power, Lukes is forced to make an ethical judgement as to what the real interests of both parties are, but he concedes there can be no empirical, scientific or analytical basis from which to answer such questions (1997:49).

Ball also recognises the important contribution by Lukes but he too is not convinced that it is superior to other 'rival accounts' (1993:556). Indeed, Ball is not even persuaded that power is an essentially contested concept. Ball highlights that there is in fact widespread agreement about what constitutes its essential or core meaning and as such he prefers to see power as a 'contingently contested subject' (1993:556). Moreover, Ball concludes, just because there have been disagreements does not mean there must always continue to be so. He writes:

...[t]hat these disagreements cannot be resolved by fiat or by force of arms or ideological conversion but only by power of a peculiarly human kind - the power of reason, of argument



and persuasion (1993:556).

### *Conclusion*

These theoretical approaches will be used to help better understand the policy making process within the Scottish Parliament. Both pluralism and corporatism will assist in the understanding of the power of the state and the relative role played by interest groups in decision making. The policy network approach will focus attention on the exchange based relationships between participants in networks and the nature of agenda setting that takes place within them. The insider/outsider typology will help to better account for the strategies and status of interest groups, while the notions of power, and in particular Lukes' radical view of power, will be considered in light of attempts to explore and explain the actions, interests and preferences of key policy players.

## Chapter 3

### Methods

#### Introduction

Ackroyd and Hughes argue that the aim of methods of research is to effect a link between the empirical world and theoretical conceptions of it. They write:

...[b]y examining the world in a systematic way we can assess the adequacy, plausibility, accuracy, fruitfulness, truth even, of theories about the world (1992:3).

In this chapter I will discuss why a single case study approach was used in the research and identify the combination of qualitative and quantitative methods that were employed. I will discuss how the data was analysed and offer a practical and, to some extent, personal account of my experiences of researching 'beyond the official line' (Duke, 2002:39) in order to address the core research aims.

These are:

- to examine the various stages of the legislative process with specific reference to the Housing Bill;
- to identify the key policy players involved in agenda setting and policy development;
- to explore the significance of these key policy players and their relative influence at different stages throughout the policy process and how they went about exercising such influence;
- to identify the types of policy networks that developed around the Housing Bill and to examine who was part of these policy networks, why, and what outcomes originated from them;
- to explore the legislative changes made to the Housing Bill, which policy players were responsible, and what significance this has for the way in which policy and legislation is made in the Scottish context;
- to use policy network theory to guide the collection, organisation and analysis of data.

The decision to examine the legislative process by using a case study was an easy one to make. It seemed sensible, in order to study how the Parliament was operating and who was influencing policy making post devolution, that neither an examination of Government, Parliament and civil society separately, nor an exploration of the different stages of the policy making process independently, would suffice. In order to study the role of the Parliament it appeared natural to find out what impact, if any, it had on legislation. Therefore, by tracking a Bill through its policy development and mapping the activity of all actors through all stages, this provided the most potentially successful way to follow the role and fortunes of key policy players operating within a young institution.

The Housing Bill provided a good opportunity to do just that. Firstly, it was an Executive Bill and therefore would allow analysis of the Government/Parliament dynamic and help to shed light on an important area of devolution, notably, power-sharing. The scope of the Bill suggested that differing

sections of civil society would be interested in it. The Bill attracted tenants' and equalities groups, professional and representative bodies, and groups from the financial world. This meant that another important area regarding devolution - participation and consultation - could also be explored. Preparatory research into the Housing Bill suggested that, for the most part, it was not going to be especially divisive or controversial, although naturally some parts were to be welcomed more than others. Thus, the case study satisfied all the usual criteria for being a 'good' case in light of the analytical generalisations that could be made. The Bill was not atypical when compared with Executive Bills that had passed before and indeed because it was not the first Bill to pass through Parliament, the process was familiar to MSPs, Ministers and officials. Finally, the very nature of the Bill neatly determined the boundaries of the case: for instance, the study being geographically constrained to Scotland and the case concluding with the passage of the Bill through the Parliament.

Network theory was used to guide the collection and analysis of data. The theory sets out a number of criteria such as the number of actors involved in decision making, the roles of these actors, and relationships between these actors and so on, and this is used to identify who is included and excluded from the policy agenda and assess why particular policy outcomes emerge over others. Here the theory was used as a descriptive model to help me to understand and organise the wealth of empirical material collected. It enabled me to look for specific patterns and characteristics, drawing conclusions from these based on the network theory, regarding the legislative process in Scotland.

#### *A Case Study Approach*

The first point to make about the decision to employ a case study approach is that it certainly has its critics. As Yin argues, the case study has long been stereotyped as a weak sibling among social science methods (1994:xiii). Indeed, even the definition of the case study and what counts as a case is subject to much criticism. As Atkinson and Delmont write:

...what counts as a case is much more problematic than case-study researchers seem to allow for. It is quite meaningless for authors of the case-study persuasion to write as if the world were populated by cases whose status and existence were independent of methodological and theoretical concerns (1993:207).

Other criticisms include the charge that case study findings are not generalisable in the way that those of surveys are (Hammersley et al, 2000:234); and related to this there are doubts over the extent to which there can be theoretical replication to other instances and classes (Adelman et al, 1976:140). Similarly, it has also been argued that the case study method is the logically weakest method of knowing (Cohen et al, 2000: 183); that it lacks rigour because of the sloppy approach taken by the case study investigator which can allow equivocal evidence or biased views to influence the direction of the findings and conclusions (Yin, 1994:7); and furthermore, that the case study approach is not easily open to cross-checking and that the results may be biased, selective and subjective (Cohen et al, 2000:184). Put differently, there are threats to reliability regarding the extent to which the methods

employed in the case study would yield similar results in similar situations.

In order to address the first of these criticisms which refers to the definition of the case study and what counts as a case, we can identify a number of parameters such as temporal, geographical, organisational and institutional (*Hitchcock and Hughes, 1995:319*) which enable us to impose boundaries on the case in question. The case in point centres around the Housing (Scotland) Bill and the boundaries of the case are largely determined by the nature of the Bill. For example, the case concluded with the passage of the Bill through the Parliament and after subsequent follow-up interviews with key respondents. The case was geographically constrained to Scotland and is thus only empirically concerned with the Scottish Parliament, Scottish Executive Ministers, Scottish Executive civil servants and Members of the Scottish Parliament. The interest groups involved were those with a stake in the outcome of the Housing (Scotland) Bill, and the institutional arrangements of only the Scottish Parliament were considered.

Further definitions of case studies are provided by Nisbet and Watt who write that a case study is a specific instance that is frequently designed to illustrate a more general principle (*1984:72*), and by Adelman *et al* who argue that case study research always involves the study of an instance in action, which also has to be teased out from the notion of class from which it is drawn (*1976:140-141*). Put differently, this research has examined the mechanics of policy-making which could be considered the class. Furthermore, I am examining this within the confines of the Housing (Scotland) Bill's passage through the Scottish Parliament which is the particular instance.

Indeed, in the course of the thesis I will explore the interaction of political actors and civic groups in the policy process with a view to finding out who has influence and where power lies. The answers to these questions are specific to the instance being examined and it is here that one of the more fundamental problems with the case study approach emerges. The difficulty centres around the idiosyncrasies and the unique features of the given instance I have chosen. For example, the policy networks within this particular policy universe may have characteristics unlike any other network of parliamentarians, bureaucrats, Ministers and interest groups. Similarly, the Social Justice Committee may have a very different culture and way of operating compared with other committees, while the personalities, prejudices and proclivities of civil servants and Ministers may also affect the outcome. In other words, the personal agency of those involved in the given instance could have a tangible influence on the end result. Indeed these concerns are given added weight when we undertake a crude comparison of the number of amendments tabled in the Housing (Scotland) Bill with other Bills. Not only was the Housing (Scotland) Bill the biggest Bill to go through the Scottish Parliament in the first session, but when we compare the three hundred and forty seven non-Executive amendments which were lodged in the Housing Bill to the eleven lodged in the Regulation of Care Bill we can see that a

variety of potentially influential differences can occur between cases (*Procedures Committee, 2001*). Therefore, the presence of such unique aspects within the instance has implications for the generalisability of the findings. The extent to which a Bill in 2001 is generalisable to a Bill in 2003 or the extent to which a Scottish case is generalisable to a case at Westminster, not to mention the unique features of the Housing Bill, housing lobby, Housing Bill team and so on, could render the instance inapplicable to the more general class. This highlights questions relating to the external validity of the case study and with the problems of knowing whether the study's findings are generalisable beyond the immediate case (*Yin, 1994: 33*). As mentioned earlier, this is one of the main criticisms of employing a case study approach and there is much debate surrounding what exactly those who use this approach should be seeking to achieve. For example, Bechhofer and Paterson believe (*2000: 49*):

...case studies may be seen as representative and generalisable insofar as we are trying to generate and develop theories. Generalisation is analytic and not statistical.

And Hammersley *et al* (*2000: 236*) ask:

...[h]ow do we know that these findings are representative? Some advocates of case study respond to this by arguing that it is directed towards a different kind of general conclusion from that offered by survey research: they suggest that case study work is designed to produce theories.

Thus, we should perhaps not treat the case study like the survey, in which a 'sample' (if selected correctly) readily generalises to a larger universe. Generalisability is a standard aim in quantitative research normally achieved by statistical sampling, albeit surveys too have problems regarding validity. These sampling procedures are, however, usually unavailable in qualitative research because in such studies the data is often derived from one or more cases and it is unlikely these cases will have been selected on a random basis; very often a case is chosen merely because it allows access (*Silverman, 2000: 102*). In this study the Housing (Scotland) Bill to some extent came along at the right time. Methodological reasons had ruled out a retrospective study on a previous Bill, while there were many advantages to be gained from studying a 'living and breathing' Bill, essentially pertaining to the range of methods (which will be discussed later in the chapter) that could subsequently be employed.

Therefore, I intend to rely on analytical generalisation where I will attempt to generalise a particular set of results to some broader theory (*Yin, 1994: 36*). However, in order for theoretical statements to be made the nature of the generalisation in the case study needs to be clarified. For example, generalisations can be made from the single instance to the class of instances that it represents (*Cohen et al, 2000: 182*). Generalisations can also be made from features of the single case to a multiplicity of classes with the same features (*Cohen et al, 2000: 183*). For example, in my research the single case involves the conceptualisation of the mechanics of policy-making which could also have similar features to a plethora of other classes, not necessarily policy related. The other classes might include producer/purchaser relations where the negotiation and bargaining over a business contract (and

correspondingly the unequal distribution of power) may not be unlike the 'logic of negotiation' that exists in the legislative process.

Despite the aforementioned drawbacks of employing a single case study approach it can nonetheless be argued that the advantages of utilising this methodological tool outweigh the disadvantages. One of the main reasons for employing a case study approach in this study is that no other method would have enabled me to initially uncover and then to examine and unpack the causal processes and interactions that were at work between networks of parliamentarians, bureaucrats, Ministers and interest groups in the legislative process. Indeed, in this research, which is centred around the questions relating to *who has influence? and where does power lie?*, I needed to identify and then to subsequently unpick and untangle, what seemed at times like an ever deepening and widening complicated web of different political actors and groups who in turn all had very different motivations and relationships with each other and who were often members of one or more network. It has only been through a combination of immersing myself in the case study<sup>6</sup> and pulling together a range of complementary research tools that I have been able to probe beyond the official line and get a better understanding of the kinds of bargaining, compromise, conflict, coalition building, resource exchange and power dependence that takes place between key policy players in policy development, agenda setting, policy change and modification. Not one research tool, such as the interview or the survey, if applied singularly would have enabled me to provide such a full account of the policy process. As Hakim (1994:62) writes:

...[c]ase studies can be used to provide a more richly detailed and precise account of the processes at work within particular types of case highlighted by...[for example]...surveys, whether typical or anomalous; they can be used to substantiate or refine causal processes thought to underlie observed patterns and correlations.

There are many advantages of employing the case study approach, so much so that, depending on how well the study is focused, it could actually take the form of the social research equivalent of the spotlight or microscope (Hakim, 1994:61). A case study's value is to be found in the richness of looking at a particular social phenomena in depth by providing subtlety and complexity. They can be used to recognise the embeddedness of social truths by representing the discrepancies and conflicts between the viewpoints held by the participants and a case study can also catch the unique features that may otherwise be lost in large scale data analysis (Adelman et al, 1976:148, Cohen et al, 2000:184, Yin, 1994:13). In other words, by employing a case study approach a high level of internal validity regarding inferences about cause and effect, or causal relationships, can be achieved.

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<sup>6</sup>This can be a potential pitfall in itself where the student immerses him or herself in the details of the case and ignores the context that surrounds the case in question (Baxter et al, 1996:66).

Despite the obvious advantages of employing a comparative case study approach<sup>7</sup> which could have taken the form of, for example, comparing two Bills and the corresponding networks that would build up around them, the time available was not sufficient. If I had undertaken a comparative case study approach in the allotted time, I would not have been able to familiarise and immerse myself in the details of the Bill which became invaluable in enabling me, not only to ask the right questions but also to appear relatively knowledgeable about housing and homelessness issues. Indeed, especially when it came to interviewing civil servants, it was only through having a detailed understanding of the Bill and, as the legislative process evolved, an understanding of the amendments that were being proposed that I gained an insight into what happens behind the scenes and a sense of the processes and exchanges that take place between key policy players in decision making. It also goes without saying that I would not have been able to spend the amount of time that I did observing the plenary sessions or attending the committees that were scrutinising the Housing Bill. This proved fruitful in developing contacts and having informal conversations with key policy players, and is a point I will return to later.

### *Triangulation*

This research is the product of a combination of qualitative and quantitative approaches. Bulmer writes:

...[i]n answer to the question of which of several available strategies will be best for a particular research problem, the answer is that there is no best method either in general or for a particular problem. All methods have their strengths and weaknesses. Better to ask which combination of strategies will be most adequate and most fruitful (1984:32).

The next part of this chapter will address the rationale behind the combination of research strategies that were used, while acknowledging that each of the tools that were employed have different, but often mutually beneficial, strengths as well as weaknesses. The two broad approaches - qualitative and quantitative - have increasingly been seen as complementary. As Preece writes:

...[i]n social investigation the...[qualitative]...method is useful in providing material for hypothesis, in helping to define complex concepts more rigorously and realistically and subsequently in suggesting possible causal mechanisms and as a caution against over-simple interpretations. Quantitative approaches are valued for hypothesis testing, for their logical rigour, for universal argument, or generalisation, and for their apparent objectivity (1994:43-44).

The study has pulled upon a range of research tools in order to examine the policy making process which Denzin termed between-method triangulation. This combines dissimilar methods to measure the same unit. Denzin wrote:

...[t]he rationale for this strategy is that the flaws of one method are often the strengths of another; and by combining methods, observers can achieve the best of each while overcoming

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<sup>7</sup>The benefit of a comparative case study approach is that it either predicts similar results for literal replication or produces contrasting results but for predictable reasons - a theoretical replication (Yin, 1994:46).



their unique deficiencies (1978:302).

### *The Survey*

The survey constitutes one of four research tools that have been employed. The survey questionnaire was sent to two hundred and twenty five interest groups which included: tenants' groups; women's groups; children's groups; age concern groups; sexual orientation groups; religious groups; environmental groups; homelessness charities and voluntary organisations; trades unions; hostels; housing associations; professional trade bodies and umbrella and representative groups<sup>8</sup>.

The plurality of groups contacted reflected one of the objectives of the survey which was to identify the whole population of the housing lobby: a section of civic Scotland which was not constrained to geographical location or, more importantly, not limited to what might traditionally be seen as falling within the housing and homelessness remit. In order to identify the population of organisations potentially relevant to the Housing Bill I initially considered the Scottish Council of Voluntary Organisations' database but this was rejected since not all the organisations I was interested in surveying were registered charities.

Instead, the population of organisations potentially relevant to the Housing Bill was largely determined by systematically going through the Yellow Pages from all areas in Scotland. This included, the Highlands and Islands, South West Scotland, Aberdeen, Dundee, Glasgow North, Glasgow South and Edinburgh. The same classification index (which can be found at the back of the Yellow Pages) was used in all geographical areas to identify organisations to survey. After examining the classification index eight categories were identified which were deemed to sufficiently encompass the range of groups relevant to the study. The eight categories were: associations, trades, charitable and voluntary organisations, counselling and advice, housing associations and trusts, hostels, social services and welfare organisations, and youth and community groups. Admittedly, one of the problems of using the Yellow Pages was that groups that did not feature in it would be overlooked in the study. I am confident though that the types of organisations that are of interest to this research are the very groups that would be in the Yellow Pages precisely because they have a public face to promote. Nevertheless, by drawing on the Yellow Pages specific to Scotland the survey was geographically constrained to Scotland (although this in itself reflected one of the parameters of the case study). A degree of selection also had to be used in identifying, within the classification index, those groups who would not be relevant to the study which principally took the form of trying to differentiate between hostels that were used by tourists/travellers and those hostels that were there to provide shelter for homeless people.

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<sup>8</sup>For a list of the organisations sent the questionnaire see Appendix C.

After the initial problems of identifying who belonged to the population I wanted to survey, I then developed the questionnaire with a number of issues in mind. This consisted of: what exactly I wanted to find out; what kinds of questions would be used; the appearance of the questionnaire and how it would be laid out; how and with whom would I pilot the questionnaire; and how would the questionnaires be distributed (*Bell, 1993:58-62*). The decision to opt for a very structured questionnaire which had questions and answers relating to lists, categories or ranks, as opposed to open-ended questions, was the preferred choice as it would allow me, in the later stages of the research, to undertake highly valid comparisons (*Bechhofer and Paterson, 2000:90*). The danger of opting for such a highly structured questionnaire would later be counterbalanced by the interviews which would subsequently offer more depth and subtlety to the descriptive aspects of the survey data.

The questionnaire contained thirty-one questions. This was seen as a length that was not too long to discourage busy people from filling it in, while also ensuring that I would have a sufficient data set to work with. Because I was interested in identifying the types of organisations included and excluded from decision making, questions about organisational size, membership base, financial turnover, location and organisational aims and objectives were included. Given the importance of group resources to the study these questions were necessary for exploring whether there was any link between resources and contact with key policy players. To that end, questions regarding the frequency and type of contact organisations had with MSPs, Ministers and civil servants were included. The Consultative Steering Group's Principles have been used to guide the research and so questions regarding the extent to which the organisation found the Parliament and the Executive open, accessible and responsive were included. Other questions map organisations' attitudes towards the proposals contained in the consultation document 'Better Homes for Scotland's Communities', and whether organisations responded to the consultation document. Another question was included to find out the extent to which groups thought their representations had been influential in shaping and influencing housing policy and a question about organisations' involvement in, and experiences of, the Civic Forum completed the questionnaire<sup>9</sup>.

The questionnaire was piloted on four representatives from organisations who I had already interviewed. The feedback from the pilot exercise was invaluable in allowing me to fine-tune a small number of questions and answers. None of the respondents suggested there was anything of great significance to change but some modifications to the categories, which listed possible answers to the questions, were made.

Once the corrections were made, the questionnaire was mailed in early December 2000. A covering letter explaining the purpose of the research, clarifying that the responses would be treated

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<sup>9</sup>For a copy of the questionnaire see Appendix D.

anonymously and offering further contact details accompanied the survey along with a stamped addressed envelope. Most of the responses I received arrived within the first two weeks of sending out the first batch of questionnaires.

In total, one hundred and nineteen responses were received, indicating a 53% response rate. Despite a response rate of more than 50% being reasonably satisfactory (*Gillham, 2000b:48*) the one main problem related to any non-response rate is not knowing if those that are not responding are biased - that is, systematically different from the whole population (*Fowler, 2002:41*). Studies suggest that people who have a particular interest in the subject matter or the research itself are more likely to return mail questionnaires than those who are less interested. This means that mail surveys with low response rates may be biased in ways that are related directly to the purpose of the research (*Fowler, 2002:42*) and these points are considered when the survey data is discussed in chapter four. For example, the survey demonstrated that an extremely high level of awareness existed among the housing world that a Housing Bill was imminent. This could be taken as indication of an effective pre-legislative consultation exercise undertaken by the Executive to raise awareness of the Bill, or of a housing lobby well tuned in to legislative proposals, or simply a reflection of the fact that those groups who failed to respond to the survey were unaware of the Housing Bill and hence less likely to complete the questionnaire. Unfortunately I do not have sufficient information with which to categorise those who responded to the survey over those that did not since many questionnaires were sent back anonymously, with respondents not using the space that was left at the top of the questionnaire in which to write the name of the organisation. With the benefit of hindsight, and if I were to do the study again, I would number the questionnaires against the mailing list in order to look for patterns of non-responses.

There are a number of weaknesses and potential problems related to the structured questionnaire which can include the effect a non-response rate can have on the credibility of the data and correspondingly the conclusions and comparisons that can be made. Furthermore, despite attempts to make questions clear, unambiguous, and value free, there are nonetheless problems relating to the validity and reliability of the questionnaire. For instance, the questionnaire asked about how open and accessible and responsive the Scottish Parliament and Scottish Executive were, based on organisations' experiences. However, one individual's understanding of openness and accessibility may be quite different to another's. Indeed, this was well illustrated in the interviews where a number of respondents commented on the accessibility of the Scottish Parliament in terms of their offices having a geographical proximity to the Mound. Also, the answers to the questions are dependent on who is filling in the questionnaire. The questionnaires were addressed to the organisation and not a specific individual and therefore a director's knowledge of, for example, the frequency of contact the organisation has had with a Minister may differ somewhat from an administrator's. This is one of the problems that can be overcome by conducting interviews where you become quickly aware of the

respondent's experience and ability to answer particular questions.

Despite these aforementioned qualifications, the purpose of the survey was threefold. Firstly, the survey proved to be a relatively efficient tool in gathering substantial amounts of important data quickly. The questionnaire enabled me, amongst other things, to find out about the attitudes and experiences of one hundred and nineteen interest groups towards the Parliament and the Executive and then, as a result of having a highly structured questionnaire, present the data comparatively easily. Also, by undertaking a survey, it meant that I had access to a larger and more geographically disparate population than I would otherwise have been able to examine if I had relied wholly on interviews. Linked to this, the survey enabled me to reach out and tap into the experiences of those groups who were 'outsiders' and not involved in the legislative stages.

Secondly, the data from the survey proved invaluable in acting as a kind of springboard for the interviews that were to follow. The feedback from the survey helped me to get an initial grasp of the kind of organisations involved in the housing world, the services the organisations were providing, as well as their attitudes towards the Scottish Parliament. From this, I could then identify the organisations I wanted to interview. This ranged from pinpointing organisations who were, in the course of the Housing (Scotland) Bill, to become key players, as well as a small number of organisations who felt that they had been marginalised from the consultative process. The survey also proved useful as a way to familiarise myself with the kind of organisation I was to visit in the course of the interviews. For instance, even with just a quick look through the questionnaire I could identify whether the organisation was a key player in the housing lobby or not and, as a result, could prepare and tailor appropriate questions.

However, the survey has not just proved to be a relatively efficient tool in gathering important data quickly, or as some kind of platform to aid the interviewing process, it also provided data which can be compared and contrasted with the feedback from the interviews in an attempt to overcome problems concerning validity. Hence, the concept of between-method triangulation leads me onto my third point. It has only been through combining a number of methods that, not only a valid picture emerges, but also a more complete and rounded picture. For instance, because the majority of my interviews with interest groups were with those organisations who were heavily involved in lobbying and trying to effect some change within the Housing Bill, and more generally in a number of other Bills passing through the legislative process also, it would have been - and to an extent it was - easy to overlook the hundred or so other organisations who were not having regular meetings with civil servants or successfully briefing MSPs. Similarly, bearing in mind most of my interviews were undertaken in Edinburgh and Glasgow and returning to a point I made earlier, the vast majority of the interviewees commented on how accessible the Scottish Parliament is. It is worth considering though that while 70% of the survey respondents who were based in either Edinburgh or Glasgow thought that the

Parliament was open and accessible, only 60% of those organisations based elsewhere in Scotland felt the same. This helps to illustrate that juxtaposing my survey data with that of my interviews should ensure the conclusions are more rigorous and hence more robust.

The data from the survey was input to the computer package SPSS. This made the data more manageable because tabulated reports, charts and cross tabulations could be undertaken simply and efficiently. The categories input to the computer package were dictated by the highly structured questionnaire which, for the most part, contained questions with set answers. While formal statistical analysis was not undertaken (partly because the sample was not randomly selected and partly because, in theory, the whole population is represented), levels of statistical significance have been included as a broad guide as to whether the data are likely to be revealing something real in the way of an association between two variables and to protect against over interpreting small percentage differences.

The survey did have a small qualitative element to it where respondents were given the opportunity to add further comments. Very few respondents added anything, but for those that did, the responses were recorded and then categorised in the same way as the interviews<sup>10</sup>. In other words, recurring themes and patterns were identified.

### *Interviews*

It has only been through undertaking a series of interviews with parliamentarians, members of the Executive (both officials and a Minister) and representatives of interest groups, that I have been able to get an insight into the complexity of the relationships between them (normally organised around or in some form of network). The interviews, therefore, have not simply been a way in which I can better understand the technicalities and the formal processes involved in making legislation, which are themselves important, but following on from McPherson and Raab who explained their reason for choosing the interview as their principal method of research:

...if individual agency were to be taken at all seriously in explaining policy, we needed to know about the assumptive worlds of policy-makers and how these understandings operated in the inner workings of the policy machine (1988:55).

A total of sixty four interviews were undertaken including fourteen MSPs - six from Labour and the Liberal Democrats (which included one Minister) and a further eight MSPs representing all the opposition parties, four civil servants, one committee official, thirty four interest groups, one parliamentary researcher, and two academics (one of whom was also interviewed in her capacity as special advisor to the then Social Inclusion, Housing and Voluntary Sector Committee). Eight follow-up interviews were also undertaken with one MSP and six interest groups, with one organisation being

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<sup>10</sup>The processes involved in analysing the interviews will be discussed later in the chapter.

interviewed three times. The interviews have been categorised and numbered<sup>11</sup> with follow-up interviews labelled 'a' and for the group (categorised as number 27) which was interviewed three times the interviews are labelled 27, 27a and 27b. Out of the six groups where follow-up interviews were undertaken, four were chosen because they were heavily involved in agenda setting and legislative scrutiny, while two occupied the periphery of the legislative process and provided an alternative focus to that of key groups.

All of the parliamentarians who sat on the Social Justice Committee were interviewed as well as a number of MSPs who had previously been members of it. The small number of MSPs who took an interest in scrutinising the Bill line for line at stage two of the legislative process, by participating in the Social Justice Committee meetings in a non voting capacity, were also interviewed. The civil servants within the Development Department were identified as the principal bureaucrats in the Housing Bill, while the academics were pinpointed for their expertise in housing policy. The majority of interviews with civic groups were with those who were involved in some way in the policy process. This mostly ranged from groups who had simply submitted written responses to the Executive's pre-legislative consultation document to those key players who were participants in influential policy networks helping to shape the policy and legislative agenda. Interviews normally took place with either the director of the organisation or (if they had one) its parliamentary/policy officer. It was often much easier to get access to the parliamentary and policy officer as opposed to a director and this would, to some extent, shape the path the interview would follow since a director's knowledge of, and involvement in, the policy process could differ from that of a parliamentary and policy officer. Follow up interviews were also undertaken with a small number of interest groups and one MSP. This gave the research a small longitudinal component which proved useful in identifying changing attitudes over time. More importantly, it also gave respondents the opportunity to reflect on, what was for many, an intensive year of lobbying and parliamentary activity and to consider the strategies that worked and the lessons to be learnt.

I had no specific number or quota of interviews in mind apart from wanting to interview all the key players. It goes without saying I could have spent more time interviewing and there were some individuals who, despite repeated attempts, were unable or unwilling to meet with me, such as Wendy Alexander the Minister initially responsible for the Bill before a cabinet reshuffle. There was also a small number of individuals who never replied to my letters or returned my calls. This included two councillors who sat on the Homelessness Task Force and four MSPs.

Essentially, the term 'elite' could be used to classify the majority of individuals I interviewed and by virtue of their institutional location and position they are regarded as having considerable capacity to

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<sup>11</sup> See Appendix E for categories of respondent.



shape public events and meanings (*Fitz and Halpin, 1994:32*). Suffice to say that what counts as an elite, and the significance of studying an elite, largely centres around, or is based upon, the question of power and influence (*Moyser and Wagstaff, 1987:9*).

On the whole, I found the process of 'elite interviewing' fascinating and largely more straightforward than I had expected after reading the various narratives detailing elite studies and the problems relating to negotiating access, the power relations involved, the preparation one would have to undertake beforehand, and so on (*Ball: 1994, Fitz and Halpin: 1994, Winkler: 1987, Moyser and Wagstaff: 1987*). One of the first obstacles to overcome when 'researching the powerful' is gaining access and being granted the interview. The literature on elite studies suggests that gaining access, and 'penetrating the multi-layered gatekeeping process' (*Fitz and Halpin, 1994:40*) can prove problematic for researchers. From my experience, this was not the case, with only one exception which entailed repeated requests to interview the Social Justice Minister. In contrast, of the four interviews that were conducted with civil servants, the two most senior ones agreed to be interviewed (arranged by their personal assistants) by 'return of post'. In all four cases there was no necessity to 'follow or chase up' initial letters with 'phone calls or emails, a practice which, on occasion, I did have to undertake when contacting representatives of interest groups.

The initial letter that was sent to civil servants requesting a meeting with them was no different to the letters that were sent to parliamentarians or interest groups. The letter explained the purpose of the research, the different categories of interviewee and further contact details. As mentioned above, on two occasions, I received a 'next day' response and from the remaining two, I received e-mails suggesting convenient times to meet. Only one civil servant - interestingly the least senior member of the Housing Bill Team I interviewed - requested more information regarding specific areas of questioning, which was subsequently supplied.

The interviews with civil servants - like all the interviews undertaken - took the form of 'conversations with a purpose' (*Burgess, 1991:102*). The conversations:

...were of greater value than straight question and answer sessions as they provided rich detailed data (*Burgess, 1991:102*).

The decision to employ a loosely structured approach to the interviews was based on a number of factors. I felt an open framework, aimed at exchanges that resembled conversations (*Fitz and Halpin, 1994:36*) would put myself and the respondents at ease. It was hoped that the process of interviewing and of being interviewed would be made more enjoyable and less stressful if the situation seemed less formal and more relaxed. Without having a fixed schedule it was also easier to build up a rapport with the respondents, to let them, up to a point, take control of the interview and speak about what they found interesting. As a result, many of the respondents appeared comfortable and, in my



opinion, were more likely to 'open up', explaining situations in greater depth than may otherwise have been the case. Also, without the safety net of having a schedule in front of me with prepared written questions, I was encouraged to listen more carefully in order to participate in the conversation, to probe further when something new or interesting was raised. Core themes were, however, identified so that I was covering much the same ground in every interview but not necessarily in the same order or with the same emphasis since certain themes were more applicable and hence required further exploration with some respondents than others. For instance, while core themes for interviewing representatives of interest groups included attitudes to the Housing Bill, level, type and frequency of contact with political players, level of involvement in, and attitudes towards, working groups and Task Forces, these were not equally applicable to all groups. The representative of group 32, for example, had not even heard of the Housing Bill, so the interview developed along the lines of how an outsider could get over the first hurdle of simply being aware of, and responding to, official consultative exercises. By contrast, the representative from organisation 40 was a member of the Homelessness Task Force and talked at great length about the dynamics that existed between himself (and the body that he represented), the Minister, officials and other participants of the Task Force.

There are a number of disadvantages in deciding not to undertake a highly structured interview, such as making sure you have sufficient and appropriate data on which to undertake valid comparisons at a later date. Moreover, respondents may be more likely to take control and steer the conversation in ways they see fit. Far from being a potential problem this in itself proved interesting because it was often not so much what people said, but what they initially did not say and what they chose to omit from their account that was interesting. For example, when I interviewed the Labour MSPs they all took me through their experiences and role in the legislative process, with one main difference. Only one out of the four Labour MSPs mentioned the regular meetings that they had with the Minister and her advisers at stage two of the legislative process in order to decide, before they got to the committee, what amendments would be supported or rejected and who would table them. Fortunately it was the first Labour MSP I interviewed who told me about these meetings and the internal dynamics that existed within the Labour group. This meant that once the other MSPs had given their account of the processes involved throughout the legislative stages, I could then ask them about these meetings (without stating how I knew about them since I had been told this in a non-attributable capacity).

Therefore, what respondents are willing or not willing to talk about is illuminating in itself, and what they are willing to talk about 'on' or 'off the record' is also information in its own right. Similarly, a pause, a gesture, a silence or a smile can all be informative, even though such information is not easily conveyed to the reader (*McPherson and Raab, 1988:67*). This was certainly the case during the discussion with the most senior civil servant whom I interviewed who sometimes did not directly answer my question, but would instead offer clues, through smiles or nods often followed by long silences, as to his possible answer.

One further aspect of researching the policy process and by association the policy players who populate the policy networks is that the participants communicate with each other, perhaps about you and about your research (*Walford, 1994:39*). This became apparent in the course of interviewing the civil servants when in the process of arranging my third interview, which was with the Housing Bill team manager, I received an e-mail from him explaining that he was aware I had been to Victoria Quay (where the Development Department is located) a number of times before and hence there was no point in him relaying such details as where he was based, or what procedures to follow when I arrived. Similarly, when I contacted one of the tenants' groups based in Glasgow, I was told by the individual that she had heard of me, knew what my research was about and had been expecting my call.

Maintaining credibility and trying not to make too many mistakes in the field took on an added significance when arranging an interview with the then Social Justice Minister. After four letters, countless e-mails and 'phone calls and the passage of five months, I eventually interviewed Jackie Baillie. My initial letter and follow up e-mails were never replied to. Indeed, I only received a written response following my third letter.

After the fourth letter, a meeting was arranged and, despite studies which suggest the contrary (*Walford, 1994:35*), the meeting took place in informal surroundings and was off-the-record. The meeting with the Minister was, coincidentally, one of the last interviews I undertook and, as a result, I was better able to focus the interview, and to elaborate, confirm and subtly challenge some of her responses. I became increasingly able to bring into play - without jeopardising ethical considerations relating to confidentiality and anonymity - other material from earlier interviews in order to gain comparisons on specific points (*McPherson and Raab, 1988:60*).

Although material from the interview with the Minister will not explicitly appear in this research, it has nevertheless played a pivotal role in developing my own understandings of the compromises, coalition building and conflict involved in navigating a major piece of legislation through the Scottish Parliament. The interview with the Minister helped me to put another few pieces of the jigsaw together. These pieces were also used to validate and authenticate other respondents' accounts, and while I am very much aware that the jigsaw puzzle is still not complete, and that I do not have the whole picture or indeed the box to refer to, I do at least have most of the corners.

The interviews with representatives from interest groups took on much the same practicalities and processes that were undertaken when interviewing parliamentarians or civil servants. The interviews followed the same semi-structured format and by identifying core themes the same ground was covered in order to triangulate and cross-check accounts and interpretations at a later stage (*Ball, 1994:97*). All the interviews were recorded after seeking the permission of the respondent and, if a timescale had been agreed before hand, I did my utmost not to exceed it. In every instance thank

you letters were sent out as soon as was practically possible. Most interviews were undertaken in Edinburgh or Glasgow. This was a result of the majority of respondents being located in the central belt and reflected the resource constraints which inhibited travel.

Most of the interviewees requested to be interviewed in a non-attributable capacity. About half way through the research I decided that all interviews with representatives from interest groups would be non-attributable since, out of all the ones that had already been undertaken, the vast majority had requested anonymity. The initial approach I took with the parliamentarians was different since they were elected representatives and hence publicly accountable. Although my initial feeling was not to offer MSPs anonymity for those reasons, it became clear at the outset that if I wanted to probe beyond the official line and develop a more complex and subtle picture of decision making then this was only going to be achieved by offering respondents anonymity. Indeed, only a handful of MSPs were willing to be interviewed 'on the record' and these turned out to be standard accounts which I had heard elsewhere. This is not to say that such accounts were disregarded since they proved vital in contributing to the reliability of the study as patterns and recurring themes started to emerge, but it did also suggest that the promise of anonymity led to more frank and open accounts. Furthermore, conversations after the formal interview had concluded and after I had switched off my tape recorder often took place and sometimes were more insightful than the interview itself.

Forty two interviews were transcribed, leaving twenty two interviews where only main points were noted and used for thematic analysis. It seemed prudent not to labour unnecessarily over an interview which was not going to be used exhaustively in the research based on the respondent's limited involvement. For instance, a number of interviews with civic groups who were not involved in the Housing Bill, and interviews that took place at the beginning of the research before the consultation document was published, were not as directly relevant to the research as others. This is not to say these interviews were disregarded because comments made by these respondents do appear in the thesis, but rather to reinforce the point that these interviews were not going to offer me personal accounts of policy making which lies at the heart of the thesis. As much as these interviews were not transcribed in full, I listened, as I did to all of the interviews that were fully transcribed, to the tape recordings a number of times which I often found more useful than just referring to a paper transcript. This helped to capture the overall tone of the interview which I found could often be lost in limiting the analysis to identifying particular phrases or recurring themes. Going back and listening to the interviews throughout the research is not something that was suggested in the literature regarding interpreting qualitative data (*for example, Dey, 1993*) but is something I would employ again in future research.

Initially six interviews were coded and then three interviews were given to two people who looked over the transcript which contained my categories and comments. This ensured that the decisions and

judgements, with regard to the measures I was going to use in order to interpret the data, were sensible and balanced. Patterns and recurring themes were noted such as reference to Westminster, timescale or voting behaviour. Such descriptive categories, while useful, were not going to reveal much about 'cause and effect' relationships which were so vital to the study. Therefore, as much as the interviews could be broken down into almost manageable units this often had the effect of losing a sense of the processes involved in policy making and as such I was keen to step back from the details contained in the interview, while relevant, in order to better appreciate the whole picture and the general tone that surrounded it. This did not mean that specific details were lost and every effort was made not just to focus on the core themes and patterns, but also to look for comments which did not fit with the emerging picture. Throughout the thesis there are many textual illustrations which highlight and explain emerging patterns. This same process has also been used to demonstrate competing accounts and narratives, where despite attempts to validate and cross reference the interview material, the picture remains far from clear. This should not be seen as a weakness of the research design but rather a reflection of the reality and complexity of politics and policy making.

There were many advantages in undertaking interviews, none more so than exploring meanings, understandings, perceptions and processes in depth. Rich and complex narratives, taking into account nuances and the finer shades of meaning, were more useful in explaining policy development and agenda setting than the survey. The process of interviewing was also a learning experience and not a particularly comfortable experience either. I found the interviews exhausting, the preparation beforehand time consuming, coupled with having to appear enthusiastic and interested in individuals who you may find arrogant and overbearing. This should not detract though from the vast majority of individuals who were exceptionally accommodating.

#### *Non-participant Observation*

The interviews and the survey were complemented by non-participant observation of the plenary and committee proceedings of the Parliament. This was initially undertaken in order to familiarise myself with the standing orders and procedures, the nature of the debates and how they were arranged. On reflection I had underestimated the importance of observing the plenary sessions. My presence at the parliamentary debates relating to the Housing Bill helped me to gain credibility and, to an extent, a degree of insider status among representatives of key groups who I had already interviewed.

The key players in the housing lobby all had parliamentary and policy staff who, like myself, followed the parliamentary proceedings closely. Although it took a number of months, by around stage two of the legislative process, I began to build up a rapport with those I had previously interviewed. These representatives essentially took the form of 'key informants', including me in their discussions which normally took place before the parliamentary proceedings began and when the committee broke for coffee or lunch. These discussions were normally based around such things as: how their meeting with

the Minister had gone; the nature of discussions which they had had with civil servants the day before; their surprise at particular amendments and who was tabling them; to more fanciful gossiping regarding why the SNP were not answering their phone or replying to e-mails sent by one particular key group.

Being privy to these informal networks enabled me to develop a deep familiarity and subtle awareness of what was going on there and then, behind the scenes at particular moments throughout the Bill's legislative journey. By developing some kind of credibility among those in the housing lobby I began to be seen as not just one of many students who had a fickle interest in what these organisations were doing, but instead as someone interested in housing policy and who was willing, like them, to sit through hours upon hours of, at times, rather monotonous and highly technical debates about housing policy. This enabled me to develop an ever changing but increasingly complex picture about the different roles and relationships within the 'iron triangle' made up of the Executive, parliamentarians and civic groups.

Needless to say there are potential pitfalls regarding the 'incorporation' of the researcher and the researcher ending up simply reproducing the discourse of the powerful (*Fitz and Halpin, 1994:48*). There are also questions regarding the validity of the observation and social encounter, such as the effect the observer can have on those being observed (*Gillham, 2000:47*). The rigorousness of the data collection and subsequent analysis can also be open to scrutiny. During the course of the research I noted down observations in my notebook or on the back of an official parliamentary document such as the marshalled list of amendments, which is published daily during stages two and three. On the back of, and throughout these documents, are notes detailing anything from how many civil servants were present at the parliamentary debates to what key respondents had earlier told me while waiting to get into the committee or during a break. Such note taking, albeit in a rough format, proved essential since on revisiting the notes at a later stage it made me aware of how much I had simply not remembered. The data was not coded or categorised as such and, bearing in mind these potential threats to reliability, it was mostly used as supplementary data. There is only one occasion - a small part of the analysis at stage three - where such observation and informal discussions with respondents has been used as the primary research tool.

#### *Official Documents*

The Official Report, Scottish Executive documents and literature published by interest groups complemented the research tools just mentioned. Scottish Executive documents did have to be used carefully since they are often not neutral reports, but are shaped by the political context in which they are produced and by the cultural and ideological assumptions that lie behind them (*Scott, 1990:60*). Such documents included the policy memorandums that accompanied Bills, the Executive's own analysis of its pre-legislative consultation exercise, press releases and so on. The Official Report

proved especially useful, as it reports the exchanges between MSPs that took place throughout the parliamentary process. Publications from interest groups were also examined but have been used as a tool for convergence and do not feature in the thesis. The reasoning behind this is that in the process of protecting anonymity I found it difficult to include literature from, for example, campaigning groups without making an obvious link to one of the numbered respondents from which the documents originate.

Like the analysis of the interviews, recurring themes and patterns were noted, while differences and contradictions (particularly between documents and interviews) were flagged up. For example, during the interviews with officials, one reported that not enough equalities groups had responded to the formal consultative exercise. An analysis of the written responses to the exercise revealed that it was not that equalities groups had failed to respond, rather their submissions were not included in the Executive's summary and own analysis of responses. Moreover, the official report records MSPs at stage one of the debate enthusing about the breadth of the Social Justice Committee's own consultation with interested parties. Privately, however, interviews with members of the committee demonstrated that some felt they had not sufficiently targeted local groups and those who would be directly affected by the legislation. Therefore, while similarities between and within sources have been brought together for the purposes of reliability, where no such convergence or similarity exists, this too has been noted and examined since it can prove informative in its own way.

### *Conclusion*

The findings in the research are the product of a single case study, accompanied by a multi-methods approach. The research design has essentially a sequential element to it in that the survey (while of value in its own right) led to the initial set of interviews, which then led to some follow-up interviews and snowballing where initial interviews with key respondents uncovered previously overlooked interest groups who were involved in the housing lobby. The survey was of particular value for comparison with interviews in the initial stages of the Bill process where involvement in, and attitudes towards, the pre-legislative consultation stage were examined. In later stages of the Bill, the interviews with different types of players were compared with each other and with official documents and with observation of the committee and plenary proceedings. The story that emerges from the research is not, however, complete and is often contradictory. Despite attempts to validate and authenticate accounts using a triangulation of methods the 'truth' is far from clear, which in part reflects the complexity involved in the study of real life policy making.



## Chapter 4

### *Identifying the 'housing lobby': its characteristics, attitudes to and involvement in the Housing Bill and attitudes towards the Scottish Parliament more generally*

#### *Introduction*

This chapter will predominately draw upon survey data in order to identify the characteristics of interest groups concerned with, and involved in, housing and homelessness. The data from the survey will be used to describe the attitudes of these interest groups to the Housing Bill and the role they played in it, as well as offering a more general examination of these groups' comments on the Scottish Parliament.

As mentioned in chapter three, questionnaires were sent to two hundred and twenty five interest groups<sup>12</sup>. These groups were identified by systematically trawling through seven Yellow Pages representing all the geographical areas in Scotland. The same classification index was used for each area. This included associations, trades, charitable and voluntary organisations, counselling and advice, housing associations and trusts, hostels, social services and welfare organisations, and youth and community groups. The plurality of groups contacted reflects one of the objectives of the survey which was to identify, in theory, the entire housing lobby: a section of civic Scotland which is not constrained to geographical location or, more importantly, not limited to what might traditionally be seen as falling within the housing and homelessness remit. Despite aiming to encompass the entire population, levels of statistical significance have been included as a broad guide to whether the data are likely to be revealing something real in the way of an association between two variables and to protect against over interpreting small percentage differences. In December 2000, structured questionnaires<sup>13</sup> were sent to these interest groups and one hundred and nineteen responses were received, indicating a 53% response rate.

#### *Characteristics of the 'housing lobby'*

Chart 1 shows that of the one hundred and nineteen responses received, 37% reported having their headquarters in Edinburgh while 15% had their headquarters in Glasgow. With just over half of the organisations based in the central belt, the remaining 48% had their headquarters in Aberdeen (10%), Dundee (8%), another town/city in Scotland (24%), or located in England and Wales (6%). As Table 1 shows, the vast majority (65%) of these organisations had only one administrative office, while nearly a quarter (24%) had between two and five.

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<sup>12</sup>See Appendix C for list of organisations sent questionnaire.

<sup>13</sup>See Appendix D for copy of questionnaire.

Chart 1: Where are the organisation’s headquarters? (119 respondents)

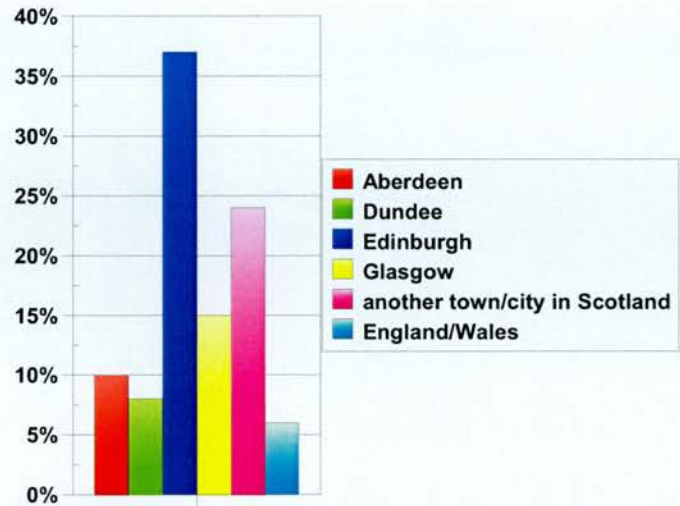


Table 1: How many administrative offices (not including advice centres or charity shops) does the organisation have?

1	Between 2 and 5	Between 6 and 10	11 or more	N
64.70%	24.4%	4.2%	6.7%	119

Table 2 shows, of the one hundred and twelve organisations which answered question four<sup>14</sup> (seven were unable or unwilling to provide a figure), 8% had an income range of under £25 000 while at the other end of the spectrum 17% had an income range of over £5 million. It was the income range between £1 million and £5 million, however, which was the most frequently reported (27%) followed by an income range between £200 000 and £1 million which was reported by 23% of respondents.

Table 2: What is the organisation’s financial turnover?

Under £25,000	£25,000 to £74,999	£75,000 to £199,999	£200,000 to £1,000,000	£1,000,000 to £5,000,000	Over £5,000,000	N
8%	7.1%	17.9%	23.2%	26.8%	17%	112

Just over half the organisations (53%) employed twenty or fewer staff, while 17% employed between twenty one and fifty, 12% employed between fifty one and one hundred and 19% employed over one hundred.

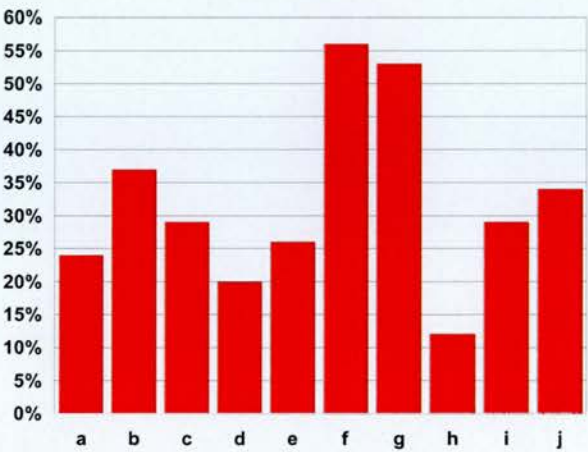
As illustrated by Chart 2, most, that is sixty seven organisations, representing 56% of respondents,

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14The question asked “What is the organisation’s financial turnover?”

noted that providing help and assistance to those directly affected by housing and homelessness was one of the objectives of the organisation. A similar number, sixty three (53%) also provided housing and other housing services. Forty four organisations (37%) provided detailed information to members, while forty one (34%) had other aims and objectives not primarily related to housing matters. The relatively large amount of groups not necessarily housing or homelessness focused reflected my intention to survey organisations which were not an obvious part of the ‘housing lobby’ but which might nevertheless have a contribution to make to the wider housing debate. Furthermore, twenty four groups (20%) were campaigning organisations, identifying ‘mobilising public opinion’ as one of their objectives, while thirty four (29%) cited ‘lobbying government’. Interestingly, there appears to be a relationship between organisations with this latter objective and the likelihood of being approached for information/expertise by the Scottish Parliament (whether that be Ministers, civil servants or MSPs). For example, of the 114 organisations which answered question fifteen<sup>15</sup>, half had been contacted for such advice and half had not. Of those who had been contacted nearly half (49%) cited lobbying as one of their objectives, whereas of those organisations not contacted only 9% cited lobbying as one of their objectives. This could imply that groups with this objective may be more likely to have influence over the outcome of the Bill since they are more likely to be contacted by key political actors in the first place. The timing of the questionnaire does not, however, enable us to make any conclusive statements to this effect since the Bill had not at that point entered into the formal legislative process.

Chart 2: Aims and objectives of the organisation (119 respondents in each case)



<sup>15</sup>The question asked: “Since 1999 has the organisation ever been contacted by the Scottish Parliament to offer advice to Ministers, committees, civil servants and/or MSPs on any matter relating to housing and/or homelessness?”

Key:

- a: To collate and research information about housing/homelessness
- b: To provide detailed information to members via newsletters etc.
- c: To improve public awareness about housing/homelessness matters
- d: Mobilise public opinion
- e: Represent members
- f: To provide help and assistance to those who are directly affected by housing problems/homelessness
- g: To provide housing and housing services
- h: To provide technical expertise to government
- i: To lobby government in an attempt to influence the public policy process
- j: We have other aims/objectives because we are not primarily concerned with housing matters

#### *Involvement in and attitudes towards the Housing Bill*

Nearly all (94%) of the one hundred and seventeen organisations that answered question ten<sup>16</sup> were aware there was a forthcoming Housing Bill, indicating an extremely high level of awareness existed amongst civic Scotland that a Housing Bill was imminent. It goes without saying those groups at the heart of the housing lobby such as organisations 23, 24, 25, 27, 28 and 39<sup>17</sup> were eagerly anticipating what was generally viewed as a long awaited Housing Bill. Indeed most of these groups were involved in early discussions with the Executive, being members of the *Housing Interests Group* which had been set up to discuss the Executive's housing agenda and issues for inclusion in the forthcoming Bill. However, as already stated the intention of the survey was also to identify groups who positioned themselves outwith the limits of the 'usual suspects'. It is surprising to note therefore the considerable number of groups that reported having knowledge of the consultation document which suggests that effective dissemination mechanisms had been put in place by the Executive as part of its commitment to pre-legislative scrutiny. For example, over 3,300 consultation documents and a further 500 copies of a short summary of the document were sent out by the Executive (*Scottish Executive, 2000a:2*), while the consultation document (like all Executive consultation documents) had been posted on the Executive's web site. This was accompanied by civil servants "going out and giving road shows and seminars around the country" [Respondent 15]. With these points in mind, a number of qualifications are worth making. Firstly, the one hundred and six groups that did not respond to the survey could be the very organisations that were unaware of the forthcoming consultation document and Housing Bill and hence were less inclined to complete the questionnaire. Secondly, while the interviewees demonstrated a high level of awareness with regard to the Housing Bill, which supports the survey, my choice of interviewees (as noted in chapter three) was largely dictated by their involvement in the Executive's consultation process, or alternatively, their

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<sup>16</sup>The question asked: "Are you aware there is going to be a forthcoming Housing Bill in the Scottish Parliament?"

<sup>17</sup>For categories of respondents see Appendix E.



involvement in the committee's evidence taking stage.

Of the 94% who were aware of the Housing Bill, 57% submitted a formal response to the Executive's consultation document, leaving fifty groups or 43% not responding. While the number not responding to the consultation document could be viewed as relatively high, it appears less so when we compare it to the actual responses received by the Scottish Executive. Out of the 3,300 copies of the consultation document issued by the Executive, notwithstanding the 500 short summaries of the document and the number that may have been downloaded from the Scottish Executive web site, 246 responses were received (*Scottish Executive, 2000a:2*) - a 7% response rate. This could be taken as a reflection of civic Scotland's poor and limited involvement in the consultative process or alternatively of a consultative process so wide-ranging that far from diverse sections of civil society being overlooked, perhaps too many irrelevant parts were enthusiastically included. That said, my own evidence suggests that failing to respond to a consultation document should not necessarily be taken as an indication of a total lack of involvement in the policy process. For example, of the thirty four interest groups I interviewed six did not submit a formal response to the consultation document; however, out of these six, only one reported having no contact whatsoever with any political actor or political institution. The others, such as groups 30, 34 and 45, explained that they did not have the resources nor time to respond to consultation documents, even though, for instance, the director of group 30 was heavily involved in policy development, being a member of the Homelessness Task Force.

Turning back to the survey, despite only sixty seven organisations submitting a formal response to the consultation document, one hundred and one did nonetheless offer comments on the Executive's proposals for the Housing Bill. As Table 3 shows, 73% of those who submitted a response and 46% of those who did not welcomed *most* of the proposals but had strong reservations about parts of it or believed policies did not go far enough, while 22% and 43% respectively welcomed *some* of the proposals. Just 2% and 3% respectively felt there was *little* in the consultation document they supported and there were none who felt there was *nothing* in the consultation document they supported. In contrast, 3% and 8% respectively welcomed *all* of the proposals. This positive endorsement of the Executive's proposals could be attributed to the considerable time spent in policy development. As much as the consultation document 'Better Homes for Scotland's Communities' was the first pre-legislative consultation stage undertaken by the Scottish Executive, the initial housing proposals originated at Westminster in the form of a green paper entitled 'Investing in Modernisation: An Agenda for Scotland's Housing' (*Scottish Office, 1999a*). As one civil servant stressed:

...I was involved in the green paper which was even before the devolved Parliament was set up of course - when we realised there was likely going to be some housing legislation and we were keen - Calum Macdonald the then Minister - was keen that we should not start from a blank piece of paper but that there should be an attempt to set out and agree what it was that needed to be done beforehand - that was the basis for the green paper. So it's been quite a long process of producing this piece of legislation - it's not something that's just been dreamt

up over night [Respondent 18].

Table 3: What does the organisation think of the proposals for the Housing Bill which are contained in the document 'Better Homes for Scotland's Communities'? BY Has the organisation submitted a response to the consultation document 'Better Homes for Scotland's Communities'?

		What does the organisation think of the proposals for the housing bill which are contained in the document 'Better Homes for Scotland's Communities'?					N (=100%)
		Welcome all	Welcome most	Welcome some	Welcome little	Welcome nothing	
Has the organisation submitted a response to the consultation document 'Better Homes for Scotland's Communities'?	Yes	3.1%	73.4%	21.9%	1.6%	0%	64
	No	8.1%	45.9%	43.2%	2.7%	0%	37

Chi-Square value: 7.730  
df: 3  
Significance: 0.052

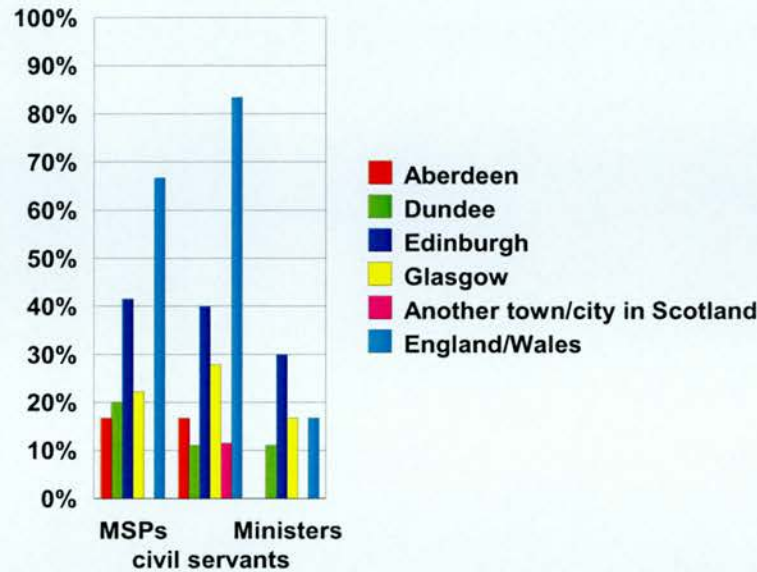
As mentioned above, out of the sixty four organisations that submitted a response (and answered the question relating to how much or little the organisation welcomed the proposals), 73% welcomed most of the proposals, while only 46% that had not submitted a formal response felt the same. Furthermore, with a level of 0.052, this link between submitting a response and viewing the housing proposals positively is on the verge of being statistically significant.

*Contact with political actors*

In terms of contact with MSPs, of those that responded to the survey, 3% enjoyed daily contact, 11% had weekly contact, and 11% had monthly contact. 42% had less than monthly contact, while 29% had no contact. Chart 3 shows that a higher proportion of Edinburgh based organisations (42%) had 'regular' contact (i.e., monthly, weekly or daily) compared to other cities in Scotland. For example, of those based in Aberdeen, only 17% reported having regular contact; this rises to 20% for organisations based in Dundee and 22% for those based in Glasgow. While the link between geographical location and contact appears significant (reinforced by the significance level of 0.01) what appears anomalous is the frequency of contact organisations with their headquarters in England and Wales have had with political actors. While this could be seen to disprove the link between geographical location and contact, the relatively small number of organisations reporting their headquarters to be outwith Scotland (see chart 1) coupled with the real possibility these organisations would also have additional offices in parts of Scotland could render the data for England and Wales unreliable.



Chart 3: Regular contact (i.e., daily, weekly or monthly) with MSPs, Civil servants and Ministers BY Geographical location (113 respondents)



MSPs:	Chi-Square:	37.675
	df:	20
	Significance:	0.01
Civil servants:	Chi-Square:	29.641
	df:	20
	Significance:	0.06
Ministers:	Chi-Square:	30.749
	df:	15
	Significance:	0.009

Chart 3 paints much the same picture regarding the frequency of contact with civil servants and Ministers in relation to geographical location. Once again the Edinburgh based groups enjoyed more frequent contact with political players although the same qualification noted previously applies to England and Wales.

These results demonstrate the importance of geographical location in facilitating contact with political actors whether that is in relation to the ease with which meetings can be arranged in the central belt, or whether (like many of the key groups I interviewed) it is about networking and building up contacts around the Mound. This was especially evident during stage two of the legislative process where representatives of interest groups, who were observing the committee meetings, would use the time before, during (if the committee stopped for coffee) and after to engage in discussions with MSPs, Ministers and civil servants. Representatives of interest groups reported finding these conversations fruitful yet it is doubtful they would have taken place had the parliamentarians and civil servants been

unacquainted with them or the organisations they represented.

Interestingly, most groups reported having had some contact with Scottish Executive Ministers. Of the one hundred and eleven which responded to question seventeen<sup>18</sup>, 59% had enjoyed some Ministerial contact. This ranged from 44% reporting less than monthly contact to 8% and 7% having monthly and weekly contact respectively. Whilst these figures are impressive, they tell us very little about the intensity and effectiveness of such contact.

Unsurprisingly, the groups that had contact with MSPs were more likely to have contact with Ministers, whereas groups which had no contact with MSPs were just as likely to have no contact with Ministers. For example, of the thirty three organisations that had no contact with MSPs, just 15% reported having some contact with Scottish Ministers, while out of the fifty organisations that had enjoyed less frequent than monthly contact with MSPs, 66% also had less frequent than monthly contact with Scottish Ministers. Moreover, of the twenty eight groups that had 'regular' contact with MSPs, 54% reported having similar contact with Ministers. This multi-targeted approach, where interest groups contact a range of political actors, utilising the many access points available to them throughout the legislative and wider policy making process, was a recurring theme reported by the interviewees.

One aspect of the multi-targeted approach many of the interviewees alluded to was contacting civil servants. Indeed, just over half who responded to the survey had some form of contact with officials. Of the one hundred and eleven who answered question eighteen<sup>19</sup>, 23% had less than monthly contact with civil servants, 11% had monthly contact, 12% weekly contact and 6% reported daily contact. Once again, the data show a pattern emerges (with a significance level less than 0.001) with regard to groups enjoying similar levels of contact across the range of political actors. For example, of the aforementioned thirty three groups that had no contact with MSPs, 85% of them also had no contact with civil servants; similarly, 82% of the twenty eight groups that enjoyed regular (monthly, weekly or daily) contact with MSPs reported regular contact with civil servants.

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<sup>18</sup>This question asks: "What frequency of contact has the organisation had with Scottish Ministers and what type of contact?"

<sup>19</sup>This question asks: "Generally, what frequency of contact has the organisation had with Scottish civil servants?"

Table 4: Generally what frequency of contact has the organisation had with Scottish Civil Servants?  
 BY What is the organisation's financial turnover?

		Generally what frequency of contact has the organisation had with Scottish Civil Servants?					N (=100)
		No contact	Less than monthly contact	Monthly contact	Weekly contact	Daily contact	
What is the organisation's financial turnover?	<b>Under £25,000</b>	75%	0%	12.5%	12.5%	0%	<b>8</b>
	<b>£25,000 to £74,999</b>	71.4%	14.3%	0%	0%	14.3%	<b>7</b>
	<b>£75,000 to £199,999</b>	42.1%	26.3%	26.3%	5.3%	0%	<b>19</b>
	<b>£200,000 to £1,000,000</b>	50%	23.1%	11.5%	7.7%	7.7%	<b>26</b>
	<b>£1,000,000 to £5,000,000</b>	44.4%	33.3%	7.4%	11.1%	3.7%	<b>27</b>
	<b>Over £5,000,000</b>	38.9%	22.2%	5.6%	16.7%	16.7%	<b>18</b>

Chi-Square: 18.950  
 df: 20  
 Significance: 0.525

Table 4 shows that of the 18 organisations with annual turnover in excess of £5 million 17% reported daily contact with civil servants. On the one hand, this figure could be used to support the assertions made in the pressure group literature which suggest civil servants have a propensity to consult with resource rich groups (Maloney *et al*, 1994: 17-38). However, in this instance, the link between these two variables is not statistically significant which would seem to cast doubt over such claims. Furthermore, at the other end of the scale, of the groups with annual turnover in the £25,000 to £74,999 range, a similar 14% reported daily contact with officials. This suggests that Maloney *et al*'s (1994: 23) assertion that government cannot afford to ignore the resource rich group perhaps requires more subtle analysis. In other words, Maloney *et al* refer to resources generically (including economic significance, size (membership), knowledge (technical expertise or political sophistication) and implementation power) but on this evidence different types of resources should not necessarily be viewed as being equally influential or effective.

Analysis of contact with both Ministers and MSPs in relation to financial turnover proved that in each case there was no association between the two variables. Furthermore, substituting turnover for number of staff, the analysis again produced no correlation. This contrasted with results for frequency of contact by the number of administrative offices the organisation had. As table 5 illustrates, there is a very strong correlation in this instance. For example, while over 56% of organisations with just one administrative office had no contact with civil servants, there were no organisations with more than eleven offices which had no contact. Similarly, while over 28% of those interest groups with over

eleven offices reported daily contact with civil servants, just 1.4% of those with one office had the same. The figures for contact with MSPs and Ministers show a similarly strong correlation. Therefore, while the data have shown that in this instance the resources of size of staff and financial turnover do not appear to have influenced contact with key policy players, the resources of geographical proximity (see Chart 3) and the number of administrative offices have. While these results highlight the need to consider the different types of resources independently of one another, a cautionary note needs to be added since these results consider contact alone and not influence. Thus, while it can be said that resources do not necessarily yield a higher frequency of contact with key policy players, the data do not tell us anything about the link between an organisation's resources and that group having real impact on policy.

*Table 5: How many administrative offices (not including advice centres or charity shops) does the organisation have? BY Generally what frequency of contact has the organisation had with Scottish Civil Servants?*

		Generally what frequency of contact has the organisation had with Scottish civil servants?					N (=100%)
		No contact	Less than monthly contact	Monthly	Weekly	Daily	
How many administrative offices (not including advice centres or charity shops) does the organisation have?	<b>1</b>	56.2%	23.3%	12.3%	6.8%	1.4%	<b>73</b>
	<b>Between 2 and 5</b>	38.5%	26.9%	3.8%	15.4%	15.4%	<b>26</b>
	<b>Between 6 and 10</b>	40%	20%	0%	40%	0%	<b>5</b>
	<b>Over 11</b>	0%	14.3%	28.6%	28.6%	28.6%	<b>7</b>

Chi-Square value: 28.199  
df: 12  
Significance: 0.005

A small number of respondents took the opportunity to add explanations as to why they felt they had been overlooked in the consultative process<sup>20</sup>. Of the twenty seven that offered a reason, five noted that they had not been contacted directly by either the Parliament or the Executive because their views were represented by other organisations such as the Scottish Federation of Housing Associations or the Glasgow Council for Single Homeless [questionnaires 5,33,35,43,59]. More critically, three organisations felt they had not been contacted because their expertise had been overlooked. For example, one respondent wrote:

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20This question asks: 'If your organisation has never been contacted by a Scottish Minister, civil servants, or committee members to participate in the consultation process, but you would be willing to offer your expertise, what, in your opinion, are the reasons why you have not been approached?'

...they do not have knowledge of our expertise and perhaps think we are unable to think strategically. [questionnaire 2]

Another commented:

...they probably do not associate our organisation, which is childcare focused, as having the breadth and depth of knowledge on housing and homelessness that we do have. [questionnaire 58]

Indeed, one of the criticisms of the Executive's pre-legislative consultation exercise was that both the policy document and the subsequent consultative mechanisms had failed to take account of children's interests. This oversight is highlighted in the Social Justice Committee's stage one report (*Social Justice Committee, 2001b*) and was also acknowledged by one civil servant [Respondent 16] whom I interviewed. The Executive's own audit of the consultation process which was undertaken by an external consultant concluded that children's interests and mental health interests had been overlooked as a result of these types of groups failing to submit responses rather than being excluded from consultation lists. That said, Barnardo's Scotland, Children in Scotland, and Save the Children Scotland are all recorded in the Summary of responses to the consultation document (*Scottish Executive, 2000a: 18-24*) as submitting written responses.

Furthermore, another respondent wrote in the questionnaire that their lack of contact was attributable to:

...not...[being]...in the central belt...[and a ]...lack of awareness of our expertise. [questionnaire 85]

The geographical location of the organisation was also noted in questionnaire 72:

...as we are in the Western Isles, contact with our organisation may be seen as a problem or maybe it would not seem important in the scale of things.

This is backed up by the survey results highlighted previously which showed that groups based outwith the central belt (with the exception of those with their headquarters in England and Wales) had consistently less contact with MSPs, civil servants and Ministers.

Furthermore, four respondents felt they were 'too small' [questionnaires 61, 81 and 86], with one believing that neither the Parliament nor the Executive were even aware the organisation existed [questionnaire 28]. Two believed there were political elements which led to their exclusion with one noting:

...contact is rarely direct unless specifically requested or deemed politically advantageous. Contact is usually through the local authority which tends to prioritise some service providers over others - usually those in 'good standing' with the local authority. [questionnaire 26]

Another felt:

...they don't want to hear what we have to say [questionnaire 29].

In this instance such comments are not reflected in the general survey results as there appears to be no

correlation between being critical of the Executive’s housing and homelessness proposals and having no contact with political actors (see table 6 - results for contact with Ministers and civil servants show a similar lack of correlation).

Table 6: What does the organisation think of the proposals for the Housing Bill contained in the document ‘Better Homes for Scotland’s Communities’? BY Generally what frequency of contact has the organisation had with MSPs?

		Generally what frequency of contact has the organisation had with MSPs?					N (=100%)
		No contact	Less than monthly contact	Monthly	Weekly	Daily	
What does the organisation think of the proposals for the Housing Bill contained in the document ‘Better Homes for Scotland’s Communities’?	<b>Welcome all</b>	40%	40%	0%	20%	0%	<b>5</b>
	<b>Welcome most</b>	27.9%	45.9%	11.5%	9.8%	4.9%	<b>61</b>
	<b>Welcome some</b>	17.2%	55.2%	6.9%	20.7%	0%	<b>29</b>
	<b>Welcome little</b>	50%	50%	0%	0%	0%	<b>2</b>
	<b>Welcome none</b>	0%	0%	0%	0%	0%	<b>0</b>

Chi-Square value: 7.271  
df: 12  
Significance: 0.839

Finally, one respondent noted they had been overlooked because there was no gender perspective (something echoed by the two women’s organisations I interviewed but which is surprising given the Minister in charge had been involved in women’s interests prior to being elected in 1999). The respondent added to the questionnaire:

...we are bypassed because we are seen as a women’s organisation and not a homelessness project despite being both. Ministers and MSPs have little or no knowledge of both homelessness and women’s networks [questionnaire 11].

*Openness, Accessibility and Responsiveness of the Parliament*

In spite of these comments, the vast majority of respondents reported finding the policy process in the Scottish Parliament open and accessible. For example, Chart 4 illustrates that out of one hundred and nineteen responses to question twenty one<sup>21</sup>, 69% thought the policy process was open and accessible (this included those who rated it *moderately, very or extremely* open and accessible). More specifically, a third of all respondents rated the policy process *very* open and accessible suggesting that

21 This question asks: “From your experience, to what extent is the policy process at Holyrood open and accessible to organised interests, such as your own?” - answer boxes are provided for both the Parliament and the Executive.



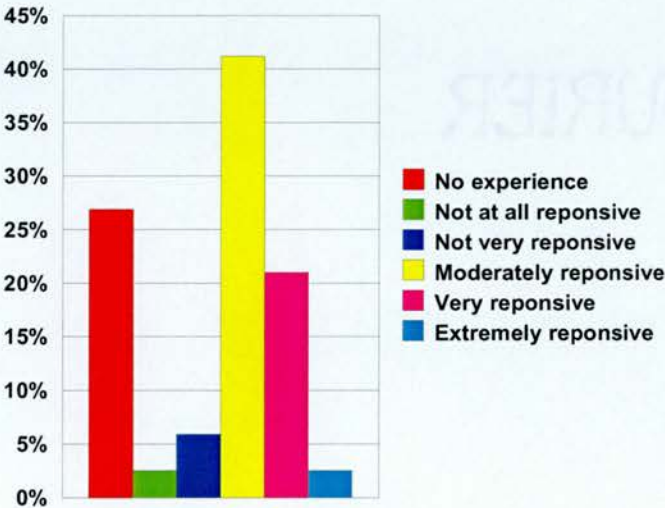
this is perceived as one of the most successfully embraced of the Consultative Steering Group's principles. An important caveat, however, is that respondents' interpretations of the term 'open and accessible' can be quite different. This was apparent throughout many interviews where the geographical proximity of the Parliament was offered as an example of openness and accessibility. A typical comment was that 'the Parliament is more accessible, given that it's geographically closer' [Respondent 29]. What is also worth bearing in mind and what, to some extent, takes away from the reliability of this result is that 30% of all respondents had no contact with MSPs, yet half of these respondents felt the policy process, with particular reference to the Parliament, was open and accessible. The attitudes of these respondents should not necessarily be disregarded outright and could be seen as interesting in their own right since attitudes are formed through various socialising agents such as the media, work colleagues and so on. That these views are positive could be read as a wider indication of the general perception towards the openness and accessibility of the Parliament even if such attitudes are not necessarily based on first hand experience. Such opinions though do carry more weight in light of the interviews I undertook with representatives of interest groups which do have first hand experience. For example, one respondent commented:

...the Parliament is much more open and accessible. I talk to people who work with Westminster and they can't believe...the access. I mean we can pick up the 'phone and speak to any MSP at any time of the day...the culture of the Scottish Parliament is excellent [Respondent 45].

Another noted:

...I think they...[the Parliament]...are trying their damndest to adhere to their policy of being open and transparent and involved in the community [Respondent 42].

Chart 4: To what extent is the policy process open and accessible - Parliament (119 respondents)

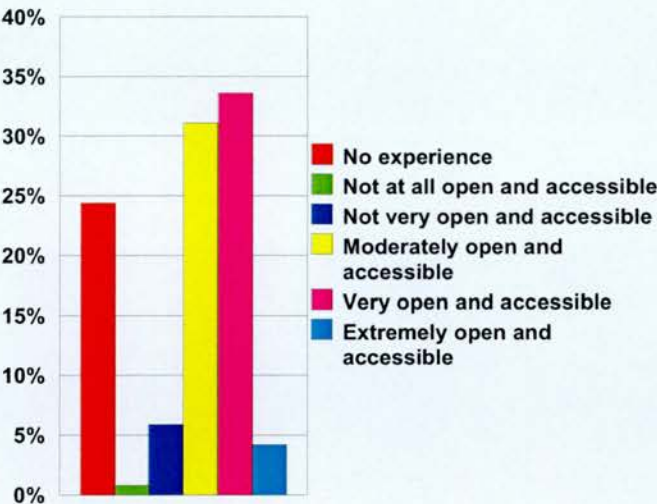


In terms of responsiveness the figures paint a similar if slightly less impressive picture. As Chart 5

shows, of all the organisations surveyed, 65% thought the policy process in the Scottish Parliament was responsive to their concerns<sup>22</sup>. On closer examination 41% of respondents reported finding the policy process, with specific regard to the Parliament, *moderately* responsive while 21% considered it *very* responsive. As with the figures in relation to openness and accessibility the same qualification applies, that is that a small number of respondents have offered opinions which are not necessarily based on experience. On top of this, the timing of the survey may also have reduced respondents' ability to give due consideration to the responsiveness of the entire policy process since questionnaires were sent out prior to stage one of the legislative process. Despite these methodological weaknesses in the survey, many of my interviewees commented positively on the responsiveness of MSPs. As one reflected:

...a repositioning had to happen within the organisation because of the Scottish Parliament and the completely different access to...MSPs and their willingness to debate, argue and change their position [Respondent 28].

Chart 5: To what extent is the policy process responsive - Parliament (119 respondents)



*Openness, Accessibility and Responsiveness of the Scottish Executive*

Over half (55%) reported finding the policy process with specific reference to the Scottish Executive to be both open and accessible<sup>23</sup> (this included those who rated it *moderately*, *very* or *extremely* open and accessible). In comparison to the Parliament (which had a figure of 69% for the same measure)

22 This question asks: "From your experience, to what extent is the policy process at Holyrood responsive to organised interests, such as your own?" - answer boxes are provided for both the Parliament and the Executive.

23 This question asks: "From your experience to what extent is the policy process at Holyrood open and accessible to organised interests, such as your own?" - answer boxes are provided for both the Parliament and the Executive.

the figures are weighted slightly differently. Roughly a third of respondents indicated that the policy process was *moderately* open and accessible; however, where only 7% of respondents found the Parliament not to be open and accessible, 13% found the Executive to be thus. As with the earlier qualifications, there was a number of respondents who, despite having had no contact with either Ministers (40% of total responses) or civil servants (48%), felt able to comment on the openness and accessibility of the Executive (roughly 70% in each).

When we look at an organisation's reported experience of the Executive's openness and accessibility and compare it with their involvement in the consultation process with regard to the Housing Bill, as described in table 7, it can be seen that 73% reported being involved specifically in the consultation process in some way. This would seem to support organisations' impressions that the policy process, with specific regard to the Executive, is open and accessible. Interestingly, while organisations are generally favourable in this regard, of those organisations which submitted a response to the consultation document and were enjoying regular contact with political actors, 83% thought the Executive was either very or extremely open and accessible. This compares to a figure of 10% at the other end of the scale where organisations had not submitted a response directly, but reported that a representative body had done so on their behalf, falling to just 3% for organisations not involved in the consultative process.

*Table 7: To what extent is the policy process open and accessible - Executive BY How would you define the organisation's involvement in the consultation process in the forthcoming Housing Bill in Scotland?*

		How would you define the organisation's involvement in the consultation process in the forthcoming Housing Bill in Scotland?				
		Not involved	Response submitted by representative body	Response submitted directly	Submitted response and infrequent contact	Submitted response and regular contact
To what extent is the policy process open and accessible - Executive	No experience	66.7%	24.1%	27.8%	16%	0%
	Not at all open and accessible	0%	6.9%	0%	0%	8.3%
	Not very open and accessible	3.3%	17.2%	11.1%	16%	0%
	Moderately open and accessible	26.7%	41.4%	33.3%	36%	8.3%
	Very open and accessible	0%	10.3%	27.8%	32%	66.7%
	Extremely open and accessible	3.3%	0%	0%	0%	16.7%
	<b>N (=100)</b>	<b>30</b>	<b>29</b>	<b>18</b>	<b>25</b>	<b>12</b>



Chi-Square: 63.938  
df: 20  
Significance: < 0.001

More generally, most respondents (one hundred and ten) offered their views on the extent to which their suggestions and recommendations had been taken on board by either Ministers, civil servants or MSPs. On reflection, this question is rather ambiguous since I did not explicitly make reference to the Housing Bill. Furthermore, the timing of the survey would not have allowed respondents to fully consider whether their suggestions had been taken on board because the vast majority of questionnaires were received in December 2000 - the month the draft Housing Bill was published - which means any policy changes or modifications that took place throughout the legislative process would not yet be included. That said, a green paper published by the UK government in February 1999 was a precursor to the consultation document and as such the views expressed could be based on earlier consultative exercises. I can make no claims the following data are specifically related to the consultative mechanisms that immediately predated the Housing Bill but despite these caveats the data are still interesting. Nearly half (48%) reported feeling that *some* of their suggestions had been acted upon. This in itself reinforces some of the earlier positive reports with regard to the way in which the Scottish Parliament (encompassing Ministers, civil servants and MSPs) is perceived amongst civic Scotland.

#### *Westminster*

Since completing the interviews it came as no surprise to discover that respondents to the survey did not rate Westminster highly. As one interviewee noted:

...in twenty five years we have been invited to Westminster once to do a presentation to a committee and that was just before the Scottish Parliament was launched and yet already this is the third time we have given evidence to the committees [Respondent 42]

and another commented:

...it's been a complete change. Since 1997 but in particular in Scotland since 1999. To put it in perspective I have been working for this organisation since 1987 as a volunteer. From 1987 to 1994 the only progress that was made was backwards [Respondent 53].

Half of those who answered question twenty four<sup>24</sup> had no experience of Westminster compared to just under a quarter (24%) having no experience of the Scottish Parliament (see table 8). Despite sixty organisations having no experience of Westminster, the remaining fifty nine still paint a less than favourable picture. Of all respondents, 12% rated Westminster *not at all* open and accessible, 20% rated it *not very* open and accessible, while 17% rated it *moderately* open and accessible and just 1% rated it *very* open and accessible. This compares unfavourably with the earlier data where less than 1% felt that the policy process in the Scottish Parliament was *not at all* open and accessible.

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24 This question asks: "From your experience, to what extent is the policy process at Westminster open and accessible to organised interests, such as your own?"

Similarly, 31% felt that the Scottish Parliament was *moderately* open and accessible while 34% reported that it was *very* open and accessible.

Table 8: Openness and accessibility of the Scottish Parliament and Westminster

	No experience	Not at all open and accessible	Not very open and accessible	Moderately open and accessible	Very open and accessible	Extremely open and accessible	N (=100)
To what extent is the policy process open and accessible - Scottish Parliament	23.9%	0.9%	6%	30.8%	34.2%	4.3%	117
To what extent is the policy process open and accessible - Westminster	49.1%	12.1%	20.7%	17.2%	0.9%	0%	116

*The perceived effectiveness of political institutions to tackle housing and homelessness problems*

Question twenty five<sup>25</sup> revealed that less than 1% of respondents believed Westminster was the most effective route to tackle housing and homelessness. In contrast, over half (57%) felt the Scottish Parliament was the most effective route while the remaining 43% felt homelessness and housing problems could be tackled best by using both political institutions. This means that while many do not discount the importance of Westminster, all bar 1% believe that to some extent housing and homelessness can be effectively tackled at the Scottish level. For those who favoured only the Scottish level, the principal reasons given were that housing and homelessness had been devolved to the Scottish Parliament and that it is geographically more accessible, highlighting the perceived importance of geographical proximity in bringing government closer to civic Scotland. Whether that closeness is simply geographical or more substantively about bringing the government’s agenda more in line with Scottish interests is not revealed by the survey. Those who reported that both political institutions were the most effective route felt this to be the case primarily because Westminster still controls important areas such as housing benefit and that housing and homelessness are policy areas that affect both reserved and devolved matters.

25 This question asks: “Which political route(s) do you believe to be the most effective in tackling housing problems and homelessness?”

*The Civic Forum*

The final question, question thirty one<sup>26</sup>, related to the Civic Forum. The Forum was established with the aim of bringing the people of Scotland closer to the Parliament, by encouraging and facilitating civic organisations to participate in public debate and policy making (*The Civic Forum, 1999*). This question sparked some of the most interesting feedback with many respondents taking the opportunity to add further comments.

*Chart 6: Have you been involved in the Civic Forum? (118 respondents)*

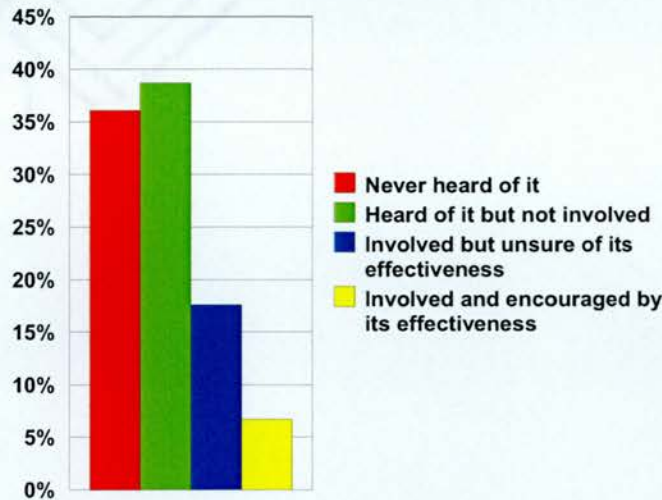


Chart 6 illustrates that, out of the one hundred and eighteen respondents that answered this question 36% had never heard of the Civic Forum while 39% had heard of it but had not been involved in it, leaving 25% (twenty nine groups) who had been involved. Out of these twenty nine groups, twenty one (representing 72% of the groups that had experience to report) had been involved to some degree but were unsure of its effectiveness. The comments from these groups are particularly insightful. One respondent wrote:

...it purports to speak for civic Scotland but makes little...[or]...no effort to involve...[the]... poor...[and]...geographically excluded. It also claims to speak for civic Scotland but has not involved any effective consultation mechanisms. I have grave doubts that an organisation can proceed on the basis of consensus when there is none. The failure to make decisions based on membership majority support leaves decision making in the hands of very few people with no mandate on issues such as Housing Stock Transfer i.e., the civic forum is profoundly undemocratic. [questionnaire 20]

Another noted:

...I have been very concerned about the approach taken by the Civic Forum. It ignores the

<sup>26</sup>The question asked: “The Civic Forum has been funded by the Scottish Executive to encourage the involvement of all sections of society in the policy process. Have you been involved in the Civic Forum?”



process issues - i.e., trying to open up the process for civic organisations. Rather it wastes its time on putting together responses to policy documents and giving an illusion of consensus. They are inaccessible, unrepresentative and a big, big disappointment. [questionnaire 104]

There were also concerns that the Civic Forum was 'too large and disparate' [questionnaire 74], that it did not have the 'expertise on specific issues to be effective' [questionnaire 79] and it was 'unclear how the Civic Forum...[was]...supposed to reach its audience' [questionnaire 77]. The most critical of these relates to its inability to help get excluded voices heard and represented, with one respondent writing:

...its key potential is in engaging with people who are not professionally concerned since there are other forums for those who are. So far, it hasn't managed to achieve that, for example, its September forum comprised almost exclusively of familiar faces. [questionnaire 103]

Indeed when I requested to be put on the Civic Forum's mailing list in order to receive information about its Housing Policy Forum, a glance through the list of the forty seven individuals who attended the forum threw up many familiar names, some of whom I had interviewed and others I was planning to. Bearing in mind my interviews were heavily targeted on those groups involved in the policy process, it was surprising to find these very groups on the list when the Civic Forum's remit is to facilitate the involvement of sections of civic Scotland who are not already part of that process. While this could be seen negatively, it could equally mean that the consultative mechanisms undertaken by both the Executive and Parliament had been so well targeted the Civic Forum found it difficult to reach beyond those already consulted.

It must be stressed the Civic Forum was not an area I set out to examine when undertaking the interviews, although there were a number of comments made, none of which were positive. As one noted:

...it's a wonderful idea but it's one of those great visions that nobody gave any thought to how it would operate in practice. In August or thereabouts as you will know a few of us like... [group 27]...and...[group 23]...were invited to an exploratory meeting with the Civic Forum... [group 23 and 27]...and ourselves said 'look we'll help you if you want us to facilitate workshops but really the workshops shouldn't really be for us'...The real difficulty if you think about how life works in general is that you're trying to reach the people...[like]...tenants of council housing and housing associations and you put the tentacles out and you put word out that there's a meeting. No sight of them at all, but there's the same old tenant enthusiast whose probably already in the system [Respondent 24].

On the other hand, seven respondents [questionnaires 6,9,14,16,17,51 and 84], representing 24% who had experience to report, were encouraged by the Forum's effectiveness. One response offered a polar opposite view to those just mentioned writing:

...it is open and reasonably accessible. It is willing to listen and take up concerns. It is a good forum for bringing together diverse interests. It does not try to reach false consensus but rather to report on consensus raised even where contradictions...[occur]. [questionnaire 9]

Others noted the Civic Forum was a 'vehicle through which the voice of the people could be heard' [questionnaire 14], that 'it made people aware of how they could participate and contribute' [questionnaire 6]. Furthermore, respondents noted the Forum took an 'inclusive approach' [questionnaire 16] and that it 'offered a good source of support and contact' [questionnaire 84].

The data from the survey do pose questions regarding the effectiveness of the Civic Forum although this has to be viewed in light of its resource constraints. Not only had over a third of respondents never heard of it but a further 39% had heard of it but were not involved in it while a further 18% who were involved were not convinced by its effectiveness, leaving only 7% involved and encouraged.

### *Conclusion*

A high level of awareness existed amongst interest groups in Scotland that a Housing Bill was imminent but this did not always translate into involvement in the formal pre-legislative consultation exercises with just over half of respondents submitting a formal response to the consultation document. The Housing Bill was generally welcomed by those that responded to the survey and there appeared to be a subtle link between submitting a response to the Executive's consultation document and viewing the housing proposals positively; indeed this was on the verge of being statistically significant.

Despite the emphasis in the pressure group literature on the importance of resources in facilitating both access to decision makers and influence over decision making, the results suggested that resources should not be viewed as one. While having more administrative offices appeared to equate with having more frequent contact with key policy players, the number of staff and, more interestingly, the organisation's financial turnover were not associated with frequency of contact. While this appeared to refute Maloney *et al's* (1994:23) emphasis on resources as being key to enjoying core or specialist insider status, two qualifications need to be added: firstly, the survey has not been able to measure the resource of knowledge, technical advice or expertise and membership compliance or consent and secondly; the survey can only measure frequency of contact as opposed to the quality of that contact. As Keefe and Ogul succinctly point out:

...[t]here is a difference between the 'door-opening power' of groups and the 'decision-making power'. Plainly, not all groups share equally in access or in influence (1964:357).

However, the link between the geographical location of the organisation and the degree of contact groups had with political actors proved strong, indicating that the 'resource' of geographical proximity could make a valuable contribution to both pressure group and network analysis. In keeping with the pressure group literature, the resource of geographical proximity may facilitate entry (i.e. access to decision makers) into the policy network, but the organisation must have something else which the network values if it wants to be in the core of the network (i.e. to have influence over decision making) and not sidelined to the periphery of it.

The vast majority of respondents reported finding both the Parliament and the Executive open, accessible and responsive even though not all of those who made such comments necessarily had first hand experience on which to base such assertions. All bar 1% of respondents believed that to some extent housing and homelessness could be effectively tackled at the Scottish level with many citing the geographical proximity of the Parliament as one such reason. Finally, the survey revealed that the Civic Forum was neither widely known nor, among those who were aware of it, particularly well thought of.

## *Chapter 5*

### *The Strategies, Tactics and Status of Interest Groups*

#### *Introduction*

In this chapter I will draw upon the data from forty two interviews with thirty four interest groups involved to varying degrees in the Housing (Scotland) Bill. The chapter will focus on the range of strategies and tactics employed by these groups in order to influence the legislative, as well as the wider policy making, process. In order to do this, I will pull upon the insider/outsider typology developed by Grant (1978) and then 'revisited' by Maloney, Jordan and McLaughlin (1994). The respective typologies will be used to map the positioning of these groups according to their varying degrees of insider or outsider status. Essentially, appendices F and G provide summaries of the aim of the chapter. Through pressures of space all thirty four interest groups could not be reviewed in detail, but those that are, have been chosen because they provide examples of how they either fit with the typologies or challenge them. The chapter begins with an overview of the strategies employed by groups, before reviewing different types of 'insiders' and 'outsiders'. The chapter concludes with an examination of the extent to which these typologies help to explain interest groups' strategies, tactics and status with regard to their involvement in the Housing Bill.

#### *Overview of Strategies*

Perhaps unsurprisingly the majority of interest groups I interviewed employed insider strategies. That is not to say they were all equally influential: while some were simply being routinely consulted, others were more successful in negotiating over policy details with key decision makers. As Appendix H and the excerpts from the interviews to follow demonstrate, the vast majority of groups utilised a range of strategies, not all of which translated into insider status since the typologies only recognise groups who have had contact with government, or in this case, with the Scottish Executive. This is not to say, however, that the remaining strategies which are focused on the Parliament will be ignored.

The strategies employed by interest groups included: responding to the consultation document 'Better Homes for Scotland's Communities'; submitting written or oral evidence to the relevant committees involved in the evidence taking sessions which preceded stage one; contacting MSPs and pursuing a range of avenues from getting MSPs to table a parliamentary question to approaching sympathetic MSPs to table amendments at stages two and three; being party to one-off, ad hoc or regularised meetings with civil servants; and, for some, having direct access to Ministers.

I use the word unsurprisingly to describe the amount of groups that could be defined as insiders for two reasons: one methodological and one theoretical. The first point relates to the interview sample which this chapter is based on. At the preliminary stages of the research I restricted, for the most part, my interviews to interest groups who I knew were involved in the Housing Bill. This was initially

done by looking at past responses to the green paper 'Quality and Choice: A Decent Home for All' and by identifying interest groups who had given evidence to the then Social Inclusion, Housing and Voluntary Sector Committee which at the time was undertaking an inquiry into stock transfer. Latterly it was done by using a 'snowballing' technique where initial interviews with key respondents uncovered previously overlooked interest groups who were involved in the housing lobby. Hence it goes without saying that my interview sample does not cover all of the interest groups in Scotland who may have something to add to the debate on housing policy. Nevertheless, I did succeed in interviewing most of the groups actively involved in the Housing Bill and that these groups encompassed the full range of views within it.

The second reason relates to one of the criticisms levied at the insider/outsider typology developed by Grant (1978), which claims that achieving insider status is not as difficult as the typology implies. For example, Page found in his research that:

...[r]elatively few groups could be classed as pure outsiders, while a much larger number have the features of the insider (1999:205).

This is a point we will return to later in the chapter when we examine the usefulness of employing Grant's typology in helping us to describe and make generalisations about interest group behaviour in public policy making.

#### *Getting Over the First Hurdle - Responding to Consultation Documents*

Most (twenty eight of the thirty four) interest groups I interviewed had submitted formal written responses to the consultation document 'Better Homes for Scotland's Communities'. Among those that did not submit a written response was group 30, whose director was a member of the Homelessness Task Force after being persuaded by the then Minister Jackie Baillie to become a member. Despite the director being involved in an influential policy network, he maintained that his organisation did not have the resources to pursue other potential policy influencing routes, such as responding to consultation documents or engaging in the parliamentary process. Similarly, group 56 did not submit a written response, its main function being to provide a parliamentary advisory and information role to its client groups, most notably the churches.

Groups 45 and 33 lacked the time to respond to consultation documents, while group 46 had not replied to the consultation document because it had not been aware of it; however, as we will see in chapter eight this particular organisation was latterly invited to give evidence to the Equal Opportunities Committee about the Housing Bill after a chance meeting on a train with a clerk working at the Scottish Parliament. The organisation respondent 34 represented had not submitted a response because his organisation was already involved in work with the local authority regarding the council's proposals for wholesale stock transfer. The representative commented:

...so that really has taken up most of the last year actually. We've actually had very little time

to deal with the Bill as we would have liked to deal with it [Respondent 34].

Finally, organisation 32, an Edinburgh based homelessness organisation, had not submitted a response because it was not aware of the imminent Housing Bill. The representative noted with some contempt:

...until you told me about it just now...[the Housing Bill]...I didn't know there was a new one and I didn't know there was a consultation period. This is an example of a classic phenomenon of government and consultation. For consultation to take place between July and August and September when two thirds of the world are having their holiday in that period...so consultation is taking place at the times when it's least feasible. I find that quite ironic that the supposedly new government had not even learnt that lesson apparently [Respondent 32].

Responding to consultation documents is one strategy interest groups employ in order to set forth their particular concerns and recommendations with the intention of influencing the earlier stages of the legislative, but not necessarily wider, policy making process. As Jordan *et al* argue:

...access to the lists is remarkably non-selective...It is a relatively low first hurdle which has to be negotiated on the road to influence...because influence is the key to accounting for outcomes (1994:524).

Being on a government department's consultation list - that is being proactively consulted and being sent a consultation document as opposed to reacting to the consultation exercise you happen to find out about through word of mouth, Internet or other sources - is a distinction worth making. Back in August 2000 when I was arranging the first of four meetings with civil servants, I had asked respondent 15 if I could get a copy of the distribution list that was used to send out the consultation documents to interested parties. This was in order to get a general, albeit perfunctory, impression of the kinds of bodies the Executive was consulting with. I was never given the distribution list but I was forwarded a copy of a response by respondent 15 to the following parliamentary question which was answered by Wendy Alexander, the then Social Inclusion Minister, on the 20th July 2000. The response stated:

...[c]opies of 'Better Homes for Scotland's Communities', published on 5 July 2000, have been sent to all MSPs, Scottish MPs and MEPs, to all Scottish Local Authorities and Registered Housing Associations, and to relevant Whitehall departments. Copies have also been sent to all respondents to the 1999 Housing Green Paper, and to a wide range of other representative organisations and interest groups. In addition, copies have been sent out on request to individuals and groups, and the document is available on the Scottish Executive website. The total number of copies distributed as of 10 July 2000 was around 1,600 (*SIW* - 8594).

It would have been advantageous to find out which groups were on the Development Department's consultation list if only to identify the kinds of groups who were omitted from it. However, after my own experience of requesting the consultation document 'Better Homes for Scotland's Communities' and thereafter receiving other such consultation documents relating broadly to social justice issues, I would have to concur with Jordan *et al* (1994:524) and Cavanagh *et al* that:



...[i]t is not difficult for any group...[or an individual]...to get on a consultation list; usually it just has to write and ask (*Cavanagh et al, 1994:627*).

It is more difficult, however, for an interest group to affect not simply the pre-legislative consultation process, but the process that takes place before the consultation document is published. It is access to the policy process around the stages of policy initiation and development that is both limited to a select number of groups, while also being the most influential. In the early stages of the policy process, interest groups have at the very least the opportunity to shape and mould policy before it becomes 'set in stone' in the form of a green paper, consultation document or draft Bill. Some can even help to shape the policy agenda. Representatives from some interest groups involved in these earlier policy initiation stages noted:

...the way to affect legislation is to get to it before it is drafted so we have always had a good rapport with the civil servants in the Scottish Executive [Respondent 28].

Another commented:

...and there's a bit of policy development which effectively we wrote and handed over to them...[the Executive] [Respondent 25].

And another added:

...so we see the policy process going back before the green paper and the other thing that's happened is that people from the outside have been incorporated into the policy process from the Executive...therefore the Government has adopted a lot of our policy agendas and are now involving us in the details of that, an example of that would be the introduction of common housing registers [Respondent 23].

One of the more formalised strategies these groups were pursuing in this early stage was involvement in the Housing Interests Group which first met in June 1999. According to a written answer from Jackie Baillie<sup>27</sup>, the then Social Justice Minister, its purpose was to:

...[d]iscuss the Executive's housing agenda, including the proposals in the Housing green paper and *strategic issues for the inclusion in the Housing (Scotland) Bill*. (*SIW - 16839; emphasis added*).

The establishment of the Housing Interests Group, the Homelessness Task Force and six other formal working groups will be discussed in chapter six but what is important to note here is that a willingness to participate in working groups is an example of interest groups pursuing insider tactics: willing to play by the rules of the game in the hope of setting the agenda and influencing policy outcomes. Membership of working groups can also be equated with insider status since groups are exclusively invited to participate by the Executive. The typology suggests that for a group to be granted such

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<sup>27</sup>This was in response to the following written parliamentary question by Linda Fabiani (SNP): To ask the Scottish Executive how many Task Forces, working groups or other similar bodies it convened for the purposes connected with the Housing (Scotland) Bill; what the purposes of these were or are; who served or serves as members of any such bodies, and in what capacity each member served or serves.

status it has first to be regarded as legitimate by government (*Grant, 2000:19*).

#### *Group 35 - an Insider or Outsider?*

Out of all groups represented on these various advisory bodies and working groups, there is one organisation, represented by respondent 35, which fails to fit with the initial typology developed by Grant (1978) which emphasised the development of norms of behaviour as a key variable groups had to develop in order to gain legitimacy and hence participate in agenda setting. Group 35 did not adhere to these norms of behaviour or rules of the game. The organisation represented a large section of the tenants' movement and was highly critical of the Executive's proposals regarding stock transfer and the extension of the right to buy. Bearing this in mind, the organisation was nevertheless invited to sit on the Housing Interests Group and the representative reflected:

...we were invited to the Housing Interests Group, the working party that was set up. Usual suspects would come along bowing and scraping to the Minister. We accepted the invitation and it was noticeable we weren't listened to because she...[Wendy Alexander]...just sat with a smile on her face every time we gave evidence. It never really got off the ground as far as we were concerned. There was no structure in place about how you participate within that group. The issues were bumped on the table and the agenda was getting pushed forward before you really got a chance to deal with it [Respondent 35].

The involvement of this organisation in this particular network of key policy players made up of interest groups, civil servants and a Minister raises a number of points. Firstly, this group did not pursue sophisticated strategies. Indeed, during stage two, the interviewee disrupted the committee proceedings by heckling MSPs and Ministers from the public area before being escorted away by the police: this form of direct action is not synonymous with the strategies of an insider. Grant's typology though stresses that the development of norms of behaviour are key in gaining access to the inside track. To some extent Maloney *et al's* typology provides a better fit. Because Maloney *et al's* typology is not purely focused on strategies it allows the opportunity to look for other reasons why a group might participate (even if it is in a cosmetic sense) in insider forums. These other reasons are resources and this organisation possessed a number of them.

The second and related point is that Maloney *et al's* typology draws very much on the policy network literature, both stressing the importance of resources. Rhodes and Marsh argue there are two key resources which give groups access to the policy network - economic power and knowledge (1992:2000) - while Maloney *et al* list the requisites for insider status as being: economic significance; size; knowledge (technical expertise or political sophistication); representative base; implementation power; and compliance power (1994:23 and 29). Group 35 was the largest tenants' group I interviewed in terms of its representative base but it also had power at the grass roots level since its members were actively involved in local community tenants' groups and forums. Essentially, this group was included because its resources were more important than the strategies it pursued.

The third point to make is that being part of a policy network does not necessarily translate into genuine or real insider status. Participants in the network are not all equally powerful or influential. The participation of group 35 in this influential network demonstrates that some groups may be on the periphery of the network and thus may not be as integrated or integral to the decision making process as others. This in part may be due to the strategies it pursues. If a group is not willing to abide by the rules of the game and not willing to participate in the resource exchange and the necessary compromises involved for the functioning of the network, then it may have to content itself with a peripheral position. Therefore, the strategies a group pursues might become more important once it is in the network. That said, it is worth stressing that the pursuit of 'less sophisticated' strategies does not necessarily preclude a group from being part of a network if it has adequate resources to compensate.

If we pull on Grant's work then this group could be said to closely match an 'Ideological Outsider': a group which wishes to replace the existing political system or alter it in some fundamental way. That said, it could one day become an insider if a change in the attitudes of 'political influentials' meant that its views were no longer seen as being outside the accepted spectrum (*Grant, 1978:11*). Turning to the contribution by Maloney *et al* which focuses on status, then this group would similarly be classified as an 'Outsider by Ideology or Goal' since its goals (getting rid of the existing right to buy to council tenants and being vehemently opposed to stock transfer) could not be accommodated in the consultative process (*Maloney et al, 1994:32*). That said, this group did participate in a working group which more closely resembled an insider strategy, while reflecting insider status. Therefore, while the label 'Ideological Outsider' goes some way to categorise this group, the available typologies are not sufficiently developed to take into account the almost contradictory position this group occupied.

#### *Group 23 - the Low Profile, Core Insider*

In contrast, organisation 23 employed one of the most sophisticated and multi-targeted approaches to influencing housing policy that I was privy to in the course of the interviews. As can be seen from the general information contained in Appendix H, this interest group was a resource rich organisation with a membership to represent. The organisation had gone through the formal legislative channels such as responding to the consultation document and giving evidence to committees. It was a member of five working groups and reported having frequent contact with civil servants and MSPs. The Social Justice Minister had also recently attended its conference. An excerpt from the first interview with respondent 23 demonstrates both the frequency and nature of contact with civil servants, as well as highlighting this respondent's appreciation of the nuances and various access points within the policy process itself. The representative noted:

...so when it comes to the consultation process - it's not just a linear process - the green paper to Better Homes consultation document. There's working groups going on and there's much better access to officials than previously happened which is quite informal. I think the informal networking is difficult to pin down, identify and describe, but I would say that the

national organisations will regularly pick up the phone to civil servants and say 'what did you actually mean about this?' 'Well here's where we think is the problem' and they'll come back in another phone call and say 'well we're thinking about dealing with that in this way'. Now that's quite informal and I think that that processes are quite influential but they're not controlled. They have their potential downsides as well, but the process has got a lot better [Respondent 23].

Commenting explicitly on strategy, the representative told me:

...the first stage is to go back to the Executive civil servants and say 'these are the things we want changed' and we then see what comes out of that process. We then decide whether the response is adequate and then we would draw up our agenda for the parliamentary process.

A further strategy employed by many key groups, including this one, was to invite civil servants to seminars or conferences hosted by the organisation. The representative noted:

...the Executive have, to give them credit, have attended our meetings, our members briefings, the SFHA's members' briefings...and attending Shelter's meetings and a whole range of conferences.

The presence of civil servants or, better still, a Minister at an organisation's seminar or conference was reported as being advantageous for a number of reasons. Firstly, it was used to get clarification on policy agendas and, in relation to the Housing Bill, on policy detail. Secondly, it offered the opportunity for delegates to network with members of the Executive - whether this was by building up personal contacts or actively trying to lobby, albeit these are not necessarily mutually exclusive. And thirdly, there was a degree of kudos for the organisation if it could persuade a Minister to attend its conference in spite of his/her busy schedule.

One further strategy employed by group 23 was to become a kind of mentor for other interest groups in the housing lobby. This organisation had set up an e-mail network to share information and collaborate with other groups. As the representative explained:

...we've set up an e-mail network. A relatively informal network by which individuals can share information and views and one of the ways we hope it will work is it will allow people to identify where their alliances are...we set up this...in order to try and interact with Parliament a bit better, not with the Executive, but to interact with the MSPs [Respondent 23].

The representative added:

...access...[to the e-mail network]...is restricted to the representatives. There is some common things that organisations need to discuss in relation to strategies and tactics...we won't be completely forthcoming about our strategies for certain things when we think that we have a clear position that is different from other people. We will debate the policy but as for the way in which we'll pursue the policy with the politician then that gets tactical [Respondent 23].

The e-mail network was commented upon positively by many groups I interviewed. As one representative, alluding to the meeting participants of the e-mail network were invited to, told me:

...everyone of us said something briefly about the Housing Bill and it became obvious that people had interests that were similar or if they weren't similar they were talking about things

that the organisation hadn't thought about because they only focus on what they know, so we thought - 'well some of us could be saying the same things and this would also come from unexpected quarters'. You're expecting housing associations to bang on about the tragedy of the extension of the right to buy but there are some issues where we could all join up and Ministers aren't expecting that. So we've been keeping in contact via e-mail. Letting everyone know our thoughts [Respondent 43].

The strategic gains from being a member of the Housing Bill e-mail network are very similar to the rationale often forwarded in the literature regarding Euro-groups; these are federations of national groups with similar interests who lobby the political institutions of the European Union as one holistic group. Examples include, COPA, the Committee of Professional Agricultural Producers (*Wright, 1994:261*) and EUROFER, the European Association of Steel Producers (*Mazey and Richardson, 1993:194*). Indeed, the representative from the organisation which set up the e-mail network commented:

...we're aware that in other Bills that have gone through MSPs have particularly welcomed having one group to deal with. One group to co-ordinate and try and come up with consensus decisions [Respondent 23].

The sharing of information in the e-mail network and the building of alliances between groups was certainly welcomed by many of its participants. The corresponding status given to group 23 for setting up the network is worthy of note. As one Labour MSP commented:

...we built up very good links as a committee with all the organisations who were lobbying on the Bill, particularly with...[organisation number 23]...who organised behind the scenes a little ad hoc group...they would meet regularly to keep up to date with the individual meetings they were having with individual MSPs and civil servants. So there were many channels of communication going on at the same time and...[organisation 23]...were basically the lead organisation [Respondent 3].

The mentoring role group 23 embraced also had the added benefit of that group being viewed, in the MSP's words, as the "lead organisation". Added to this, organisation 23 had earlier provided an official working for the Social Justice Committee with a list of interested bodies from their "contact list" in order to assist the official in setting up a database of organisations with a vested interest in housing.

This organisation provides a definitive example of a group successfully pursuing insider strategies while simultaneously enjoying insider status. If we use Grant's typology, then organisation 23 could be classed as a 'Low Profile Insider': working behind the scenes with Government and unlikely to use the mass media as a strategy (*Grant, 1978:5-6*). If, on the other hand, we were to use Maloney *et al's* classification then this organisation fits into the 'Core Insider' category: a group involved in bargaining and an exchange based relationship with key policy makers in a wide variety of issues within a particular policy area (*1994:30*).

*Group 27 - the High Profile, Core Insider*

As can be seen from Appendix H, this organisation had one of largest incomes, but had no membership to represent. It had, like group 23, submitted written evidence to the consultation document, given oral evidence to the Social Justice and Local Government Committees and was a member of the Homelessness Task Force and four working groups. The excerpts below highlight the frequency and nature of discussions this group enjoyed with key political actors, which did not go unnoticed by other groups in the housing lobby to the extent that one interviewee felt that “most of the Task Force stuff originates from...[organisation 27]” [Respondent 23].

The representative from organisation 27 noted:

...the homelessness section reflects the homelessness recommendations and obviously we've been represented on the Homelessness Task Force. We've done a lot of work with the Task Force about what we thought should be changed in the law...When we saw the Bill we agreed with most of the stuff that was there. There are a couple of things that we wanted to see in the Homelessness section that wasn't there. The right to be able to appeal your homelessness decision wasn't there and common housing registers. So we kept campaigning on that and met with the Executive in terms of civil servants and with Jackie Baillie and Margaret Curran a number of times throughout Better Homes consultation [Respondent 27a].

The representative added:

...then there was the hiatus between September and December and we continued to have meetings with the civil servants and with Jackie to air our concerns and hear their concerns. Some of that was about the right to buy, some of that was about strategies...so we had discussions about that [Respondent 27a].

And then commenting on stage two:

...what happened was, we drafted all our amendments - pulled them all together with all the rest of the amendments that we had for the rest of the Bill and took them to the Executive. We talked them through and it was kind of 'yes, no, maybe - the general principle you have' and talked them through why we were making cases and all the rest of it. What happened was that the Friday afternoon before the first committee meeting we got invited into a meeting on the Friday at 3.30 to see the amendments at exactly the same time as everyone...[the MSPs]... else. We didn't see them before because it would be contravening parliamentary privilege and all the rest of it, but we saw them at the same time and that was amazing because what we got was - well we were asked all sorts of questions on 'are you going to compromise on that? Are you going to negotiate on that?' [Respondent 27a].

This interest group was pursuing insider strategies and enjoyed insider status. I have no evidence to suggest any other organisation was privy to the marshalled list of amendments at exactly the same time as the parliamentarians, nor did any other representative give me the impression their organisation had met with the Minister as frequently. It goes without saying this interest group did not win its argument with the Executive all the time and consequently pursued a range of strategies. On occasion it simply lobbied for certain verbal assurances that would be recorded in the Official Report. The respondent noted:

...the amendment in section three is something we briefed against. That...[pointing to a briefing paper]...went out to MSPs the day before the committee so it was fresh because time is crucial. So what happened is that it was picked up on in terms of Jackie Baillie starting off



and concluding and picked up by Karen...[Whitefield]...and Robert...[Brown]...in the discussion and so it was very effective in getting assurances about what guidance would cover later on. So that was good [Respondent 27a].

Demonstrating knowledge of the 'rules of the game', the respondent also added:

...we had amendments that we really wanted to move and we had probing amendments where we just wanted assurances from the Executive - from Jackie...[Baillie]...that the guidance or regulations would cover something or that it would be interpreted in a particular way. I was talking to one of the civil servants and it was like 'well we know that we're not going to get it through but it would be really useful if Jackie says it should be interpreted in the way we think it should be interpreted and not in an adverse way'. So you have Jackie standing up and saying 'we hear...[organisation 27's]...concerns and we agree that it should be interpreted in a particular way' and you go 'well that's all we can get from that'. A bit of guidance might come from that [Respondent 27b].

Group 27 also briefed MSPs and got sympathetic MSPs to table amendments at stages two and three on their behalf. This is something we will examine in chapter nine since the strategy employed very much reflected the balance of power between political parties on the committee and the voting behaviour of committee members. There is certainly no ambiguity as to where this interest group fits with regard to the insider/outsider typologies; in both interpretations of the typology the organisation is clearly an insider. If we use Grant's (1978:5-6) typology then this interest group would be a 'High Profile Insider' since it worked behind the scenes but, being a campaigning organisation, was also prepared to appeal directly to the public in order to reinforce its position with the Executive. If, on the other hand, we use Maloney *et al's* (1994:30) interpretation of the typology, which focuses more upon status, then this organisation would be classed as a 'Core Insider' group enjoying:

...regularised participation on a wide variety of issues cognate to a policy area (Maloney *et al*, 1994:30).

#### *Group 24 - Another High Profile, Core Insider*

As can be seen from Appendix H, this organisation, like 23 and 27, was a resource rich one. It had a membership to represent, sat on one Task Force and five working groups and, like the others, had gone through the formal legislative channels in order to influence policy. The organisation also enjoyed informal and frequent contact with civil servants and MSPs. As the representative commented:

...we have regular phone calls and meetings with civil servants...what's happened in the last few months...is that the detail of how an extended right to buy might operate has been under discussion. For example one of the concessions that the Minister offered and we've since been discussing in great detail with civil servants is that a council could declare for an area to be declared a pressured area and therefore have the right to buy suspended [Respondent 24].

The organisation had also been privy to certain policy details before they had been officially announced. The representative noted:

...the Executive are actually saying 'can we talk about this? Can we give you our ideas and can you give us your ideas?' And have been genuinely exploratory and that's excellent...The last meeting on tenant participation with senior civil servants was this morning where they are looking for the Minister to be making an announcement on tenant participation at the same

time that the Bill is released and the proposal that the Minister wishes to announce was aired in front of us this morning [Respondent 24].

There is a notable difference between a proposal being 'aired' in front of an organisation and an organisation being able to mould or shape policy details, but the comments made at the beginning of the excerpt do suggest this group was involved in genuine dialogue with civil servants.

As can be seen from Appendix H, this organisation was one of four interest groups I interviewed who pursued what could be classed as outsider strategies. Outsider strategies can range from issuing negative press releases and organising peaceful public demonstrations to civil disobedience (*Dunleavy, 1991:20*). Organisation 24, like many groups I interviewed, was very much opposed to the extension to the right to buy to the extent it arranged a public demonstration outside the Parliamentarians' offices on the day of the stage one debate of the Housing Bill to protest against it. I interviewed this organisation twice. The first was two weeks before the demonstration, while the second interview took place some months later, at the end of the legislative process. In the initial interview the representative acknowledged this form of protest politics was a:

...dodgy tactic. If it backfires it looks awful [Respondent 24].

However, commenting on the protest retrospectively, he noted:

...I would have said that the main purpose of the demo, or the main outcome of the demo was not that we were going to change government policy but that we had shown our members that we were a movement that cared and that the...[organisation]...had been able to co-ordinate a demo and get people there and that was important. We've also shown Ministers and MSPs that it's something we cared about. That in a way if you've got one hundred and eighty people on the pavement clearly that's not just...[the organisation's]...staff...And I suppose I haven't quite realised how incredibly fearful and paranoid Ministers would be of any more of this happening and it was the concessions that we got on the right to buy, very significant concessions that have all but delayed the right to buy for another eleven years [Respondent 24a].

This excerpt is worth reflecting on for a number of reasons. Firstly, the representative did not expect the protest to change government policy. This was based on experience of past meetings with civil servants where the discussion on the right to buy was "limited", whereas discussions on other policy areas had been "genuinely exploratory". The second point relates to the membership this organisation represents. As a large, well resourced and on the whole relatively influential body, it had to be seen to champion the cause of its members since it had, up until then, been unsuccessful in getting anything but incremental changes to the right to buy. The third reason relates to the political implications of the demonstration. This representative felt that as a direct result of Ministers being fearful of being publicly criticised, the organisation was offered a trade off in the form of "very significant concessions" if they did not demonstrate again. As the representative noted:

...although this was never said but the hints were there that if we're not going to get publicly

dirtied again and rubbished as Ministers, things like demos, very negative press releases that kind of thing - then we might be able to see our way to concessions on some of the detail and that's in effect what happened [Respondent 24a].

Whether these concessions were as a direct result of the public protest is difficult to judge since discussions with civil servants, other interest groups and MSPs suggest they too take credit for modifications to the right to buy. This is something that will be examined further in chapter nine, but what is pertinent to the discussion here is that this group was simultaneously pursuing both insider and outsider strategies, something which Grant's typology fails to address, but what May and Nugent (1982:7) and Page acknowledge. As Page notes:

...[g]roups can use outsider strategies without losing the close relationship with the ministry associated with insider status. To initiate a public protest against proposed changes in the law can be pursued at the same time as insider strategies involving arguing against them without loss of status. Government departments know and understand the aspirations of, and constraints operating on, group leaders, and expect groups to make a loud noise on some things, and they will still invite them to participate in working groups and other participatory fora (1999:221).

There is little evidence to suggest this group compromised and lost some of its privileged status with the Executive by protesting, apart from it losing favour with Labour MSPs on the Social Justice Committee after criticising them in its newsletter. As one MSP commented:

...I didn't liaise with...[organisation 24]...like I did with other housing organisations and that was primarily due to the way they treated Labour members on the committee in the run up to the Bill. They were highly critical of us - very personal - published in their newsletter very derogatory comments. And as a result I wasn't willing to engage with them and that was their loss because right from the start other organisations were in there and were very involved in the decision making process [Respondent 3].

Insider and outsider strategies should not necessarily be seen as mutually exclusive and binary opposites; indeed the evidence from organisation 24 suggests an interest group can simultaneously pursue both channels in order to influence policy. Outsider strategies should also not be seen as some kind of generic whole. Outsider strategies can not only take different forms, but they can also have very different consequences for the status (and by association influence) afforded to groups by political actors. The mass demonstration may well have won organisation 24 a number of concessions from the Executive without the organisation jeopardising its privileged contacts with civil servants and Ministers. However, its negative publicity campaign, directed at backbench Labour MSPs, backfired, resulting in a small number of Labour MSPs refusing to meet and "engage" with the group. This suggests that while civil servants could not afford to exclude group 24 from discussions, since its resources were too valuable to disregard, such resource considerations were either not required or acknowledged as being especially important by Labour MSPs.

Like many key groups, such as 23 and 27, group 24 would approach the Executive first with a concern

or recommendation before contacting the parliamentarians. The response from respondent 24 is typical of the lobbying tactics used. He told me:

...sometimes the Executive might say, 'we can see why you might want this changed, we don't agree. We think we'd rather do the Bill this way'. And then you agree to disagree...[and]... you then you go to the politicians [Respondent 24a].

This group utilised a number of tactics and strategies with varying degrees of success and one such tactic was using the coffee breaks during committee proceedings as a "prime time for lobbying". Like organisation 23 and 27, this group had dedicated parliamentary officers who attended most, if not all, of the debates in the plenary and committee proceedings with regard to the Housing Bill and felt:

...the very fact...[the organisation]...has a lobbyist - a parliamentary presence - makes a big difference [Respondent 24a].

#### *Group 55 - a Low Profile, Specialist Insider*

This was one of the last groups I interviewed and only did so on the recommendation of another respondent. What is interesting about this group is the variety of strategies it pursued in a very low profile, behind the scenes way, while also providing 'Outsider' groups such as organisation 54, and 'High Profile Insiders' such as organisation 27, with research and evidence to add credibility to their respective cases.

Another way this organisation tried to exert influence was simply by providing MSPs with detailed information. The representative told me:

...we were lucky enough to get sponsorship for MSPs briefings and you can do them at lunchtimes and evenings and you lay down a buffet and you send out an invitation to people and say this is the topic and if you want to find out more, come along...it allows them to ask a lot of questions...we also hope that the MSP or their research team will come to us and say 'can you give me info on that'...so we're hoping that they will use us as a resource as well [Respondent 55].

Providing credible and reliable information and advice to MSPs is something this interest group placed great emphasis on. Interestingly, although the group did not give oral evidence to the Social Justice Committee, it gave "briefings to the committee members outwith the committee meeting" [Respondent 55].

Group 55 also lobbied MSPs and managed to persuade Karen Whitefield to lay down a number of amendments at stage two. The organisation also valued its relationship with the civil service, reflecting:

...we also do a lot of work with the Scottish Executive. We have a programme of work with the Housing Division. We support a lot of the work that they do on the Home Energy Conservation Act and we gave a lot of help and advice with the Central Heating Initiative. So we have links with the Executive that way and therefore in terms of campaigning we tend to do that through advice and guidance [Respondent 55].

It was their relationship with the Executive which made them unable to participate in the Warm Homes

Campaign. This was a vocal campaign organised by The Association for the Conservation of Energy, Age Concern Scotland and Shelter Scotland in order to push for legislation to be put in the Housing Bill to eradicate fuel poverty. A representative from the Warm Homes Campaign accounted for the absence of group 55 and commented:

...they...[organisation 55]...are the body that know everything about fuel poverty...but they didn't want their name on it because they were working too closely with the Scottish Executive on the Warm Deal. They didn't want to tread on their toes and that's the funny thing about policy and campaigning [Respondent 43a].

This feeling of not being able to pursue both insider and outsider strategies simultaneously was reiterated by representative 55 who told me:

...it might not have looked good for our organisation to be seen one day to be talking to the Minister on 'what you really need and what you should be doing' and then the very next day being in the front page of the Herald saying 'this is not good enough' [Respondent 55].

The representative did nevertheless insist to me that his organisation helped the Warm Homes Campaign by briefing members of the campaign and:

...providing them with facts and figures so that they could become more vocal. So if you like, there's two ways of skinning the cat...two different ways of campaigning but unfortunately you can't do both [Respondent 55].

As we have seen, organisation 24 is an example that you can do both, although having a large membership base and possessing technical expertise and implementation power might have gone some way to encourage the Executive to better tolerate the strategies group 24 pursued, than if it were less valuable. Returning briefly to organisation 55, it could be classed as a 'Low Profile Insider', while Maloney *et al's* (1994:30) preferred definition would be a 'Specialist Insider' group: a group that enjoys the same status as a 'Core Insider' but within a narrower policy field (1994:30).

#### *Group 26 - a Peripheral, Low Profile Insider*

A glance at Appendix H demonstrates the range of insider strategies pursued by group 26, such as having regular contact with civil servants and participating in two working groups. The evidence from the interview suggests this group's pursuit of insider strategies was not necessarily reflected in its status and influence over policy outcomes, such as we might expect from an insider. Unlike some groups, organisation 26 was not party to discussions with civil servants at the policy formulation stage. As the respondent noted:

...we really didn't hear much from the Scottish Executive on the right to buy until 'Better Homes'. Serious contact started after that [Respondent 26].

Despite this group pursuing insider strategies, it failed to establish the necessary relationship with government where its views on proposals would be sought prior to the crystallisation of the government's position (Grant, 1978:2). After the publication of the consultation document the



organisation met with the Minister and representatives from Scottish Homes and the Scottish Executive “informally” where:

...basically we set out our concerns...[and]...the Minister set out fairly forthrightly that we weren’t justified over that [Respondent 26].

The representative told me they:

...were concerned that Scottish insolvency law wasn’t very creditor friendly...and proposed, as in England...that there should be a strategy framework overriding standard insolvency law...Initially the Executive were very opposed to that and the Minister felt that she would be giving a hostage to Tommy Sheridan...However it was round the time...that there was a reshuffle and at that stage the Scottish Executive started to look at the situation differently and started to build some bridges [Respondent 26].

These comments and the ones below suggest that, as much as this organisation was having discussions with the Scottish Executive, the outcomes of these discussions seemed to vary in their success, as the representative noted:

...the provisions for insolvency that are in the Bill - those were as a result of discussions between ourselves and the Executive...[and]...we had concerns about transferring Scottish Homes to an Executive agency because we felt that that was too close for impartial regulations by the Executive. Now we didn’t get the Executive to climb down over that but what they have done is to produce a regulatory code of practice which contains strong safeguards...where we didn’t have any influence but we’ll keep on plugging away was the Improvements and Repair Grants...that hasn’t been addressed by the Executive or really acknowledged [Respondent 26].

Correspondingly, the classification of this group within Maloney *et al*’s typology is less than clear. The evidence suggests this group lobbied successfully for changes, albeit these were of a highly technical nature. Moreover, the publication of a regulatory code of practice with regard to Scottish Homes becoming an Executive Agency is something this respondent takes credit for, yet it was also high on the list of changes organisation 39 was lobbying for. Hence it can be very difficult to account reliably for influence. On the other hand, group 26 entered the policy process too late to influence the policy agenda, while the respondent also noted “surprise” at the extent to which the discounts to the right to buy had been changed. Such prior information was something group 39 reported and it is perhaps this kind of advance information that separates the different types of insiders.

The representative did nevertheless categorise his organisation as an insider. He had previously been a lecturer in politics and in the course of the interview had suggested I might want to look at the insider/outsider typology. His comments are interesting. He told me:

...I would say that we were essentially an insider group and that means that there is an element of trust and an element of frankness with our relationship with the Executive which you won’t get from an outsider group...[Organisation 24]...for instance, has behaved like an outsider group<sup>28</sup>. An outsider group will try and embarrass the Executive. I mean we’ve got

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28Instead, I would define group 24 as a Core Insider (to use the definition by Maloney *et al*) or a High Profile Insider (to use the original typology by Grant).



that in reserve but in a sense that's something you do as a last resort and I think that's an important distinction when looking at pressure groups [Respondent 26].

The respondent's wish to use the theoretical terms and compare his organisation with another is noteworthy, while the way in which he defined group 24 is also telling. Just because organisation 24 pursued some outsider strategies, like a public demonstration, it was subsequently perceived by another member in the housing lobby as an outsider, which highlights the theoretical ambiguity surrounding the typology. Firstly, strategy and status do not necessarily mean the same thing. Secondly, with particular reference to Grant's typology, organisations can pursue outsider and insider strategies simultaneously. And thirdly, groups can utilise what is assumed by some sections of the literature as mutually exclusive strategies without necessarily losing influence.

In relation to organisation 26, its desire to work behind the scenes suggests the position of a 'Low Profile' insider within the typology. However, what is less clear is whether the strategies of working behind the scenes have paid off and consequently 'Peripheral Insider' status seems the more appropriate classification. This describes a group whose input into policy is useful, but whose relevance to a topic is seen by civil servants to be marginal (*Maloney et al, 1994:31*). Unfortunately, I have no evidence from interviews with civil servants to corroborate whether they did indeed find this group to be at the periphery of the process. What is clear is that none of the civil servants mentioned group 26 in our discussions with regard to 'key groups' and their respective roles in the policy process<sup>29</sup> which goes some way to providing a piece of evidence in defence of the classification I have chosen.

#### *Groups 41 and 42 - Potential Insiders but Remaining 'Outside' because of Resources*

Moving away from some of the better resourced organisations, groups 41 and 42 played very similar roles in the housing lobby. They both had a medium-income range, and members to represent and had gone through the same formal parliamentary channels in order to influence the Housing Bill. Neither were members of working groups and, although they had enjoyed ad hoc contact with MSPs, they had no contact with the Scottish Executive apart from replying to the consultation document. Both groups commented on resources. Representative 41 had not undertaken any lobbying of the Executive:

...because of the nature of the organisation we have few resources [Respondent 41].

And respondent 42 felt they:

...should have a dedicated parliamentary worker [Respondent 42].

Respondent 42 was disappointed not to have had any contact with the Scottish Executive. They had expected to get an invitation from the Homelessness Task Force to give a presentation which did not

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<sup>29</sup>This will be discussed further in chapter seven.

materialise. The representative noted:

...I would say that the only way we've engaged is with the Parliament...we've sent out a briefing. I would say that we were quite disappointed. I thought we would be invited to give a presentation to the Task Force. In fact they got someone who used to work for...[the organisation]...who's currently on secondment for the Executive to do it. I didn't raise issue with it because we looked at the presentation and it was fine. But I had kind of assumed that we would be invited to do that [Respondent 42].

Although these groups were more successfully engaging with the Parliament and parliamentarians, it is contact with the Executive that is typically used to define insider or outsider status and as such these groups could be classified as Potential Insiders. Like another group - organisation 33 - group 42 failed to achieve insider status because it lacked the necessary resources of time, money, staff and political skills, to push into the inside track. Alternatively, when we draw upon Maloney *et al's* classification it appears that in relation to status the typology does not offer any sufficient criteria. For example, these groups were not 'Peripheral Insiders' since they had no contact with civil servants or Ministers. By the same token, these groups are neither 'Outsiders by Choice' nor 'Outsiders by Ideology'. They are, to use a more appropriate label, 'Outsiders because of Resources'; that is, they simply do not possess the finances, staff and political expertise required to penetrate the inner policy loops. For organisations 41, 42 and 33, the conditions for them becoming insiders are organisational and not ideological.

#### *Group 29 - an Outsider by Choice, Ideology or Necessity?*

Group 29 had a medium income range and no members to represent. It had submitted written evidence to the consultation document and to the Social Justice Committee. It had been invited to the Social Justice Committee to give oral evidence and had limited contact with MSPs. It did not sit on any working group, but did have some degree of contact with the Scottish Executive through its invitation to give a presentation to the Homelessness Task Force.

The group campaigned for a 'Scotland free of homelessness' and part of their demands included every person having the right to a house. They also campaigned to get rid of the term 'intentionality' used in classifying (and by association selecting) homelessness applications that are seen as having priority need. The representative told me:

...there was a sense that there had to be a fairly bold statement...[by organisation 29]...which was prepared to step outside what seemed to be emerging as the consensus among the Parliament and led by the Executive and participated in by large voluntary organisations [Respondent 29a].

The organisation had submitted a response to the consultation document in September but:

...didn't actually lobby. We weren't too sure about the processes and I suppose it took us a wee bit by surprise that we were invited to the committee [Respondent 29].

Group 29 had successfully got Robert Brown to table an amendment at stage two and had tried to keep informed of the debate via the Scottish Parliament web site. The amendment was not passed, although it was not until a couple of weeks later the respondent found this out. Asking if there was a strategy or plan of action for lobbying, the respondent replied:

...it wasn't quite as organised as that. Robert Brown said he would do it and that was more or less coincidental because he came to a meeting about the Social Inclusion Network....and I cornered him afterwards [Respondent 29a].

He also added:

...we contacted John McAllion and Cathie Craigie but they weren't interested...we discovered we had a much more sympathetic SNP member, Brian Adam. Several months later...[after the Housing Bill]...I ended up on a train journey with Brian which proved very useful in developing that kind of relationship. A lot of it is about coincidence and train journeys [Respondent 29a].

Respondent 46 would certainly agree with this last point; his own invitation to give evidence to the Equal Opportunities Committee was as a direct result of a chance meeting on a train as well. What is more important to take from these comments is the stark contrast in strategies and political expertise when compared with organisations 23, 24 and 27. That said, group 29 had been invited to give a presentation to the Homelessness Task Force which:

...came out of writing to the Minister and reminding her that she promised to meet with us [Respondent 29a].

Although the Homelessness Task Force and other working groups will be examined in chapter six, the respondent's experience of giving a presentation to the Task Force is relevant here. He noted:

we were told a couple of days before the meeting that the Minister wouldn't be at the meeting...It was chaired by...[respondent 18]...and it tended to be people round the table that I had expected to be sympathetic, like...[respondent 28, respondent 31 and respondent 30]... Well, it was really depressing because we gave our presentation and no one asked us any questions and then...[respondent 18 - the civil servant]...took over and didn't invite any contributions from the rest of the group and said 'civil servanty' type of things like 'we've listened very carefully to what you've said'. But there was just no discussion about the issues. I went to...[respondent 28]...and said 'that was a bit weird' and he said 'yes, I know'...It was one of the least debate ridden contributions I have ever made and then we had lunch with them...[respondent 29a starts to laugh]...and it was all very civilised and then we got in the car and thought 'that was weird'. So I then wrote a letter to Jackie Baillie saying 'I'm sorry that we missed you but here's a copy of our presentation'. That was in July... [interview took place in September]...and I haven't even had a response [Respondent 29a].

From this comment, we can garner a number of things. Firstly, the discussion within the Task Force was limited by the chairperson, in this occasion by a civil servant. The second point is that despite this organisation's attempts, it had yet to meet with the Minister directly to voice its concerns. The third point relates to the lack of debate or dialogue with the civil servant. Again, this takes us back to one of the most important distinctions that can be made with regard to status: regarding whether organisations are simply given a platform to air their views or whether these meetings translate into genuine

discussion and, even better, can help to shape the policy agenda.

This group not only saw itself as an outsider, but also saw benefits to maintaining this status. Feeling that some of the key groups had compromised their position, this representative:

...found it useful...[to be seen]...as an organisation keeping the bigger picture alive  
[Respondent 29a].

Nevertheless, the respondent did concede that the organisation's ideological position could prove precarious for any status or influence they may subsequently be afforded by the Executive. He noted:

...if Jackie...[Baillie]...sees us as an organisation which they found at the end of the day was failing to toe an Executive line and was a fly in the ointment then that would be a bad thing...You never know with politics that if we happen by chance to press a few buttons with the Press and got the Executive really bad publicity then they could get extremely sensitive about us [Respondent 29a].

To use Grant's preferred definition, organisation 29 could be classified as lying somewhere between an 'Ideological Outsider' and an 'Outsider by Necessity' (1978:11). The representative maintained it was useful for groups, like his, to remain outside the growing consensus among those in the housing lobby as to how to tackle homelessness. He felt the proposals recommended by the Homelessness Task Force which then formed the proposed legislation in the consultation document were not radical enough. On the other hand, the group could also be seen to be an 'Outsider by Necessity' since it was trying to pursue insider strategies, such as contacting the Social Justice Minister, but simply lacked the necessary political skills required for insider status, such as the ability to compromise.

Drawing on the work of Maloney *et al*, the definitions used to describe the status of group 29 are surprisingly similar to Grant's. On the one hand, the group could be classified as an 'Outsider by Choice', believing that it is better to be outside the policy making loop than compromised by it (1994:32). Conversely, it could be defined as an 'Outsider by Ideology', its goals, such as campaigning for every person to be entitled to the right to a house, being outwith the policy parameters the Executive were willing to consult on. Either way, there is no doubt that in its basic form, group 29 is an outsider. Whether one day it would acquire the necessary resources and political skills, or modify its policy demands in order to penetrate the inside track, is debatable. The literature would suggest, however, that the lure of insider status can often be irresistible:

...given the rewards of access and influence that insider status brings (Grant,2000:25).

#### *Groups 44, 51 and 53 - Outsiders because of Resources and Necessity*

Organisations 51 and 53 had a small income range. All three groups had submitted written evidence to the consultation document but this was as far as their contact with the Executive went. None had enjoyed meetings with civil servants or Ministers. This is not to say they had no influence over legislative detail since they were all, to varying degrees, in contact with MSPs and successfully

persuaded them to put in place specific recommendations in the committees' stage one reports and also to table amendments. As representative 44 commented:

...we worked with Robert...[Brown]....[and]...we lobbied the Local Government Committee and the Social Justice Committee...we were able to build fairly broad support among the committee, for instance, taking equal opportunities from being tucked away in a footnote to persuading them to accept that there would be an overarching principle covering the whole Bill and everything that followed from it. We thought that was one of the most major achievements one could ask from the Bill [Respondent 44].

The representative added:

...the other two areas where we have no hesitation in claiming credit for are Robert's amendments that require local authorities to map housing provisions for people who - unfortunately they're still using the term special needs - and also that local authorities must map again in their local area those disabled people who have special needs that are not currently met [Respondent 44].

Although the insider/outsider typology in its most general form would categorise this group as an outsider based on its lack of contact with government officials or Ministers, this should not lead us to conclude this group had been totally ineffective. As the comments above demonstrate, persuading the committee to put an overarching commitment to equal opportunities on the face of the Bill is not an insignificant policy detail and so while civil servants and Ministers failed to recognise the expertise of this group, MSPs on the committee did not.

Much the same experience was shared by groups 53 and 51 who had worked very closely with members of the Equal Opportunities Committee to get a number of their concerns into the committee's stage one report. The representative from organisation 53 commented:

...a lot of what we asked for went into the report. In particular everything that relates to cohabiting partners - tenancy rights, the right to buy and so on - where there is a definition of family there is also a definition of same sex partners...they...[the MSPs on the Equal Opportunities Committee]...certainly picked up on some of the points that we made and also the stuff on harassment that...[group 44]...made [Respondent 53].

If we were to employ Grant's typology, these groups would be classed as 'Outsiders by Necessity' (1978:9) because it would not be unreasonable to suppose that since these organisations were lobbying MSPs they would wish to become insiders. Once again, these groups, like some of the others already reviewed, may simply lack the resources and political skills to dedicate sufficient time and energy required to capture the attention of the Executive. If we pull upon Maloney *et al's* work, then a similar problem emerges like the one earlier when classifying group 42. Like organisation 42, these groups are neither 'Outsiders by Choice' nor 'Outsiders by Ideology'. They are, to use an alternative label, 'Outsiders because of Resources'; that is, they simply do not possess the time, staff and political expertise required. It is worth reiterating that despite the typology labelling these groups as outsiders because of their lack of contact with civil servants or Ministers, these groups were nevertheless successful in lobbying for changes. They may not have been able to set the agenda at the policy initiation and development stages, but they were successful in influencing parts of housing policy

during the legislative process. Put another way, the expertise of these groups (at least in this policy arena) was not recognised by civil servants or Ministers as especially relevant.

*Group 43 - a High Profile, Peripheral Insider*

Group 43 had a large income range and members to consult with and represent. It had submitted written and oral evidence to the parliamentary committees and had limited contact with MSPs. It had responded to the Executive's consultation document and had regular contact with civil servants. It was not a member of any formal Task Force or working group but had been invited to sit on a smaller informal working group set up to look at the Central Heating Initiative in the private sector.

The fortunes of this group in the policy process were mixed. On the one hand, it was a member, albeit a silent member, of the Warm Homes Campaign which was a campaign to eradicate fuel poverty. Provisions to eradicate fuel poverty were eventually put into the Bill at stage two and three of the legislative process which the Warm Homes Campaign took credit for. As the representative noted:

...I think that was a real success...it was mostly...[organisation 54]...that did most of the work and we took a back seat...there was certainly a feeling that it wasn't as a result of our campaign but I can't think of anything else that would have pushed fuel poverty onto the Housing Bill [Respondent 43a].<sup>30</sup>

On the other hand, excepting the campaign on fuel poverty which was seen as a "big success" and despite its regular contact with civil servants, in other areas the organisation played a somewhat peripheral role. The organisation had been critical of the Housing Bill, not so much because of what was in it, but because of what was excluded from it: the Housing Bill paid only lip service to the private rented sector and to home ownership, yet it was these areas that most affected this organisation's client group. The Executive latterly set up a Housing Improvements Task Force which specifically focused on the private sector but organisation 43 had been "excluded from that and...weren't happy" [Respondent 43a].

Despite this apparent snub, the representative maintained her group "had a lot of contact with the Housing Division" of the Development Department. It had, for instance, been invited to sit on an informal working group, although not on one of the larger, formal ones the information in Appendix H alludes to. The representative told me:

...we were asked to go and meet the new head of the Housing Division called...[respondent 17]...he called a working group to look at the Central Heating Initiative in the Private Sector and we were delighted to be told this before it went to the media. He told us what it was going to be and asked us to keep it quiet...We were asked to sit on that working party which gave the impression that we were on the inside. That was fairly tokenistic 'cause that was only about three meetings...there was no ongoing feedback. We heard nothing. We heard no more than anyone else [Respondent 43a].

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<sup>30</sup>The discussion in chapter nine suggests there were other influences at work, most notably from Labour MSPs and civil servants.



Contact with civil servants was, to use the representative's word, "tokenistic", suggesting a distinction has to be made between groups that "just information share" [Respondent 43a] with civil servants and those that play a part in agenda setting. As Maloney *et al* (1994:25) argue:

...[m]any groups are granted *access* to decision makers, (as the scale of the number of groups on departmental consultation lists testify) but few have significant *influence* over substantive policy outcomes. Perhaps the substance of the distinction between access and influence is more clearly perceived if one uses the terms consultation and negotiation. Access merely leads to consultation, while privileged access leads to bargaining and negotiation. (their emphasis).

Focusing firstly on strategy, organisation 43 was a 'High Profile' Insider, trying to influence the Executive by maintaining regular contact with civil servants while simultaneously being a (back seat) member of the vocal Warm Homes Campaign which tried to influence Executive policy through appeals to the public. Turning to status, this organisation could be classed as a 'Peripheral Insider' group. As we have seen, it was participating in some form of insider forum; it was just that this network carried with it very little influence.

It is worth stressing that these organisations have been classified within the parameters of housing policy. Housing forms the general policy field, while anything ranging from homelessness, to tenants rights, to improvements and repair grants, to the Scottish secure tenancy, to the right to buy, and so on, forms just a selection of the sub-fields or the subgroups within the broader policy area of housing. Put differently, the point is essentially grounded in pluralism. That is, just because an organisation is defined as a 'Peripheral Insider' in the housing lobby, does not mean it may not be a 'Core' or 'Specialist Insider' in some other policy field. Indeed, if we take group 43 as an example which represents the interests of elderly people, then it would not be unreasonable to assume this group would have enjoyed more influence in, for example, the Regulation of Care (Scotland) Bill in contrast to the Housing Bill. A similar point can be made about groups 48 and 49 which represent children's interests. Once again, they may not have been particularly influential in the Housing Bill but that is not to say that with regard to the Commissioner for Children and Young People (Scotland) Bill and the Education (Disability Strategy and Pupil's Records) Bill they have not enjoyed some degree of insider status. Therefore, although the typologies presume that most organisations will be drawn towards wanting to occupy insider status all of the time, not all organisations (if any) have sufficient resources to be an insider in all policy areas that may be of interest to them. Interest groups may be 'Core' or 'Specialist Insiders' in one area but may be 'Peripheral' in another. They may also use their influence in the 'core' of one policy network to gain access to the 'periphery' of a different one. Thus, the typologies seem weak on dealing with the interface between multiple and overlapping networks in the sense that being influential in one network can facilitate access and perhaps even influence in another network that the organisation might not otherwise have got.

*Group 54 - an Outsider by Ideology and Choice*

This group essentially undertook a single issue focus. It took the lead in setting up the Scottish Warm Homes Campaign in order to eradicate fuel poverty. The campaign also included organisations 27 and 43, although it was largely managed by organisation 54. The representative offered a rationale for the strategy. He told me:

...so we had this crosscutting group linking elderly people, homelessness people and the environment just to give it more clout. It did give it more clout when we spoke. The Press were more likely to pick it up when we spoke as opposed to individual organisations. So it allowed us to work on two fronts. We could put out press releases and approach people as part of the Warm Homes Campaign and we could also do it as individual constituent groups so it gives the impression of a much larger constituency out there shouting about fuel poverty [Respondent 54].

And added:

...we met with the MSPs on the Social Justice Committee. Karen Whitefield and Cathie Craigie were quite supportive of it. None of them were really championing the cause though, except for John McAllion. He also put down a Parliamentary Question which we launched our campaign on. He asked the Executive when they were planning eradicating fuel poverty. Frank McAveety came back with a response saying 'we're going to deliver the Warm Deal'. That's when we launched our campaign saying 'What an outrage. That's not good enough. The Labour Party's going back on its promises'...we had discussed prior to this...how aggressive we were going to be and in some ways the easy way was to begin by being less critical and build up the criticism if they weren't coming on board. The harder way is to jeopardise your relationship with the Executive just to get the press profile in the first place and to highlight the inadequacies of what they're doing and it was quite an aggressive response that we got back. We had one of the Ministers saying in confidence 'well if that's their attitude then they can fuck off'. Then the barriers came down. The Ministers wouldn't meet us, they wouldn't respond to our letters. There was dialogue in other respects. Well... [organisation 27]...and [organisation 43]...were, but we weren't [Respondent 54].

A number of points are worth making. Firstly, the decision to employ 'high cost' political strategies (Dunleavy, 1991:20) seemed to render the organisation redundant from any meaningful dialogue with key political actors. Secondly and probably the most interesting is not all members of the campaign were ostracised in this way. Groups 27 and 43 were still able to have "dialogue" with the Scottish Executive despite these negative press releases having their names on it. Organisations 27 and 43 were essentially taking a back seat in the campaign which may account for their non-exclusion from the process, while group 27 in particular had 'resources' the Executive were dependent upon.

Despite this 'high cost' outsider strategy, the Scottish Executive tabled amendments at stages two and three which set targets to tackle fuel poverty in fifteen years and members of the campaign took credit for this. The Executive may have felt they could not avoid bringing something forward on fuel poverty as a direct result of the campaign but instead of being seen to concede to the pressures from an organisation highly critical of it, the Executive were able to be seen to be responding to groups such as 27 and 43 who pursued more sophisticated approaches. Put differently, groups 27 and 43 were useful to both sides in that they added weight and credibility to the Warm Homes Campaign, while making it

easier for the Executive to give ground without losing face.

However, as we will see in chapter nine Labour MSPs on the committee and a civil servant - respondent 17 - also took credit for this not insignificant policy shift. Despite the number of interviews I undertook and despite attempts to validate and authenticate the plethora of such accounts, this is one instance where it has proved impossible to reliably trace back where power lay. In other words, there are competing narratives of influence and real questions regarding 'truth'.

Organisation 54 could be classified as an 'Outsider by Ideology' based on its decision not to use the political skills required to achieve insider status. Indeed, if group 54 toned down its vocal and aggressive strategy it could, in time, become a 'Potential Insider'. Focusing upon status and drawing on the typology by Maloney *et al* (1984) this organisation could be similarly defined as an 'Outsider by Choice' since it made an explicit decision to engage in a critical and vocal public campaign of the Executive and the Labour Party and was well aware of the consequences this would have.

#### *The Usefulness of the Typologies*

Through lack of space I have not been able to examine every organisation and provide snippets of evidence from the interview transcripts to back-up why one definition was seen to be the most appropriate and the best 'fit' over another. I have, however, provided classifications for most of the interviews which appear in Appendix F (which focuses on the typology developed by Grant) and Appendix G (which focuses on the 'revisited' typology by Maloney *et al*). A small amount of interviews which included groups 37, 45, 48, 49, 52 and 56 could not be rigorously classified due to lack of appropriate data.

In order to assess how useful the typologies have been in helping make generalisations about interest group behaviour in the Housing Bill I would like to firstly draw your attention to Appendix F, where a number of observations can be made. Firstly, no group has been classified as a 'Prisoner Group'. These are groups who find it difficult to break away from an insider relationship because they may be dependent on government assistance and funding (Grant, 1989:16). Although many groups receive funding from the Scottish Executive, no group felt this in some way compromised their position. For instance, respondent 33 noted:

...we do get some funding from the Scottish Executive but that doesn't tie us to their apron strings.

Respondent 43 also commented:

...the Housing Division fund us, but I have to say that they've never interfered with anything we did.

And another told me:

...the fact that we're getting a substantial chunk of our funding from the Executive shouldn't

compromise us [Respondent 29].

Secondly, the data in Appendix F demonstrate that more groups engaged in Low Profile, as opposed to High Profile strategies. This may suggest there is an implicit assumption among those better placed in the housing lobby that working behind the scenes and sticking clear of any strategies that could remotely jeopardise their bargaining position with the Executive is the preferred option. That is not to say that High Profile strategies may lead to exclusion from the inner policy loop and organisations 24 and 27 are examples which demonstrate that High Profile strategies can be pursued while maintaining Core Insider status. These groups do, however, possess a range of resources which are potentially valuable both to civil servants and other participants of policy networks.

One organisation - number 33 - was to some extent a deviant case. This group was invited to sit on a number of working groups but such participation was cosmetic. This group was not interested in the rules of the game or the exchange based processes that normally characterise the activity within policy networks. The Executive may have felt obliged to include this group because of its membership base, and related to this, perhaps it was relying on this group for some kind of resource-exchange. Alternatively, the Executive may have parachuted this organisation into the network in a real attempt to include an outsider. Either way, this group would only desire insider status and work alongside the Executive if it were one which embraced different political principles. Thus, the strategies this group employed did not reflect the status normally awarded to those who are invited to sit on working groups, while correspondingly this group's perceived status overstated its true influence.

A number of observations can also be made with regard to Maloney *et al's* typology which is shown in Appendix G. The most significant is the lack of a suitable category to take account of those organisations that find themselves outside the process but who are neither Outsiders by Choice nor Outsiders by Ideology. They do not have insider status but this is not through some conscious decision to remain outside the process, nor is it because they are making demands which lie outwith the current policy parameters. These groups could be placed under the umbrella term 'socially excluded':

...they are politically excluded because they lack the resources, the confidence and the skills to participate in a political system which places high value on the well reasoned case backed by evidence (*Grant, 2001:346*).

These groups focused their scarce resources on alternative strategies which neither typology addresses. The insider/outsider typology concentrates on the bargaining and exchange based relationship between interest groups and government. No mention is made of the relationships that exist between parliamentarians and interest groups or that of parliamentary committees and interest groups. In other words, the typology as it stands supposes that groups such as these carry no influence in the policy making process. In this instance the generalisations that can be made based on Maloney *et al's* typology regarding the influence that groups may have in the policy process are incomplete. A more

sophisticated typology would take into account the relationship between interest groups, government *and* parliamentarians.

### *Conclusion*

As much as the typologies have their weaknesses within their current limits, they also provide an accurate description of the types of groups one would expect to find, and does find, occupying the status of a Core Insider. These groups include an organisation representing local government, three professional groups and a large, well resourced voluntary organisation. As Maloney *et al* argue:

...[t]he key variable, to securing core rather than peripheral status is...that of resources.  
(1994:36).

Thus, the typology has proved a useful framework on which to make generalisations about interest group behaviour in Scotland with regard to the Housing Bill. The respective typologies helped to differentiate group strategies from group status since the two are not necessarily the same thing, which is borne out in appendices F and G. The typologies offer useful categories in which to place interest groups, but on occasion these categories were too narrowly focused and could perhaps have proved yet more useful had they accommodated the interest group/parliamentarian dynamic.

## *Chapter 6*

### *The Homelessness Task Force and Working Groups*

#### *Introduction*

In the course of the Housing Bill the Scottish Executive set up one Task Force and seven formal working groups, their remits ranging from policy development to overseeing the implementation of the Housing Act. In this chapter I will identify the membership and role of both the Task Force and working groups and examine the attitudes of participants who were involved in them. The reflections of representatives of interest groups and parliamentarians who were not involved in this aspect of the policy machinery will also be considered and such attitudes will be examined in conjunction with the policy network literature.

#### *The Homelessness Task Force - Background*

Part one of the Housing (Scotland) Act contains legislation relating to homelessness which was, in large part, based upon the recommendations of the Homelessness Task Force which was set up by the Scottish Executive in August 1999 to:

...review the causes and nature of homelessness in Scotland; to examine current practice in dealing with cases of homelessness; and to make recommendations on how homelessness in Scotland can be best prevented and, where it does occur, tackled effectively (*Scottish Executive, 2000c:1*).

The Task Force's work was split into two distinct phases, described in a debate on Homelessness in the Parliament on 16 September 1999 by the then Minister for Communities, Wendy Alexander, as:

...an initial six month period identifying and acting on urgent issues and then a longer phase of up to two years setting out a rolling programme of legislation and policy changes through to the second term of the Scottish Parliament (*Official Report, 16 September 1999*).

The thirteen members of the Task Force included the Minister for Social Justice, Jackie Baillie (until November 2001 - Iain Gray took over a month later), a senior member of the Development Department from the Scottish Executive, and representatives from the Scottish Council for Single Homeless, the Scottish Federation of Housing Associations, Scottish Homes, COSLA (who had two representatives) Shelter Scotland, the Glasgow Council for Single Homeless and the Big Issue in Scotland. Representatives from the Greater Glasgow Health Board and the Association of Directors of Social Work and one academic from the Department of Urban Studies, University of Glasgow also attended. Out of the thirteen members of the Task Force, I had the opportunity to interview six, while a further three interviews were undertaken with representatives from some of the aforementioned interest groups who were not officially members, but who had attended meetings of the Task Force on behalf of their colleagues on occasion.



The Homelessness Task Force held thirty meetings between August 1999 and January 2002 and in that time produced two reports. The first report was published on 13 April 2000 entitled 'Helping Homeless People'; it set out proposals for changes to the legislative framework and formed the basis for what has now been enacted by the Scottish Parliament as Part 1 of the Housing (Scotland) Act 2001. The second and final report was published on 27 February 2002 entitled 'An Action Plan for Prevention and Effective Response' which made a total of fifty nine recommendations, of which three require legislative change. The final set of recommendations was accepted by the Scottish Executive in the foreword by Iain Gray, Minister for Social Justice, at the beginning of the Task Force's final report where the Minister stated:

...[I] am delighted to present the final report of the Homelessness Task Force and, on behalf of the Executive, to endorse its recommendations (*Scottish Executive, 2002*).

The creation of the Task Force was generally welcomed by those who were part of it, as well as by those interest groups who had not been invited to participate in it. As one representative from an interest group commented:

...I think the decision to set up a Homelessness Task Force and by and large the spirit in which it's been conducted is a huge step forward [Respondent 23].

Another respondent added:

...I don't think there's anywhere else in the world...where you have the government and the voluntary sector working so closely to tackle homelessness [Respondent 30].

And one director of a large homelessness organisation enthused:

...the bit we're most pleased with is the homeless section which did have the gestation period of an elephant and more consultations than you could ever have imagined [Respondent 28].

Such sentiments were reiterated by a member of the Scottish Executive who told me that they were 'really comfortable' and 'most proud' of the way in which the homelessness provisions had been developed. She added that the way in which the Homelessness part of the Bill had been formulated (based on the recommendations of the Homelessness Task Force) could well represent an ideal model for the development of policy in the future.

These favourable comments can be interpreted in two main ways. One part alludes to the consultation process and the way in which interest groups have felt consulted and included. The other is based on these groups being happy with the direction in which homelessness policy was going in the first place. Indeed, there appeared to be widespread agreement among most interest groups and the Executive that the way forward for homelessness policy was to initially improve upon current homelessness legislation by strengthening the legal rights for homeless people and placing additional duties on local authorities to, for example, develop homelessness strategies and to make sure these new arrangements were monitored and regulated. Put differently, many representatives from interest groups were simultaneously commenting on what they saw to be an extensive and effective consultation process

while also being happy with the general policy direction the Executive was pursuing at that time. Perhaps it would not be too unfair to suggest, although I have no evidence any of my respondents made this causal link, that there has been a slight blurring of the line between a policy direction these groups were happy with and a consultation process where they felt consulted and included.

### *Recommendations*

Before moving on to examine the accounts from members of the Task Force, it is worth highlighting the extent to which the Homelessness Task Force's recommendations fed into the consultation document 'Better Homes for Scotland's Communities' which latterly formed the basis of the Housing (Scotland) Bill. As can be seen from Appendix I, the Homelessness Task Force's first report recommended a number of changes to the Housing (Scotland) Act 1987 which placed statutory duties on local authorities in respect of people assessed as homeless or threatened with homelessness. These recommendations were subsequently included in the consultation document 'Better Homes for Scotland's Communities' published by the Scottish Executive in July 2000 and then included in the Housing Bill, published in December 2000. The final Act contained intact the initial recommendations of the Task Force.

### *Discussions in the Task Force*

One recurring theme during the interviews with members of the Task Force was that a considerable amount of agreement existed over what needed to be done in the short term. As mentioned earlier, this consensus was based upon producing immediate 'fire fighting' responses through improving upon the current homelessness legislation by strengthening the legal rights for homeless people and placing additional duties on local authorities to, for example, develop homelessness strategies and to make sure these new arrangements would be monitored and regulated. As one member of the Task Force commented:

...there has generally been a huge consensus among members of the Task Force which is why I think to be honest the Act reflects so well the recommendations of the Task Force because there wasn't huge disagreement [Respondent 40].

Another member stated:

...there's a surprising amount of agreement. There's a lot of agreement about the general phrases [Respondent 28a].

One of the chairs of the Task Force - a civil servant - added:

...there is not as much...[disagreement]...as you might think actually. All the members of the Homelessness Task Force are committed to trying to tackle the problem of homelessness. There are certainly some things that Shelter are very keen on and other members are not so keen on...and we had quite a lot of dialogue on that and I think everyone approached it on the basis that we wanted to...try and come up with agreed conclusions and we did come up with agreed conclusions within the Homelessness Task Force [Respondent 18].

Where there appeared to be less consensus was over the longer term strategy and, linked to this, the resource implications. One member noted:

...the longer term aim is a bit muddy [Respondent 31].

Another commented:

...when it comes down to specifics like something to do with housing supply we may, if we're allowed to have them, have some heated and robust discussions. There will also be the question of what is affordable and what is reasonable. Basically the realistic versus the ideal [Respondent 28a].

Another member added:

...Jackie probably does agree that Scotland needs better, more affordable housing but can she deliver on that because it would be a huge resource issue and if she's concerned that she can't deliver on it then being a pragmatic politician she probably didn't want us to make too big an issue of it [Respondent 40]

before going on to add:

...it's actually been very difficult to make myself heard on the Task Force at times. If you're going to tackle homelessness you need more houses. The civil servants have wanted to talk about the support needs of people who are homeless which is quite right. They also want to talk about homelessness and employment, homelessness and health - seeing homelessness as a broad social and economic problem rather than a housing problem. Now I don't necessarily disagree with that but there is undoubtedly a housing element and it's very annoying and I could sense that the civil servants didn't want to go there and Jackie Baillie didn't want to go there. And I know that at times Jackie was just sitting there saying 'shut up - we don't want to talk about that'. It's not easy to stand up in front of a Minister and repeatedly say things that she just doesn't want to hear [Respondent 40].

These comments touch on some of the normative concerns relating to policy networks and the nature of decision making that takes place within them, not to mention the implications this has for the way in which key political players exercise power by controlling or, more specifically, by keeping certain things off the political agenda (*Bachrach and Baratz, 1962:948, Lukes, 1993:55*). Indeed, it is interesting to examine the parallels between these aforementioned comments and the concerns often raised about the nature of policy making within these policy networks (and more specifically policy communities). As Stringer and Richardson argue:

...the objective of the policy-making within these communities is often not the solving of real problems, but the management or avoidance of conflict, the creation or maintenance of stable relationships, and the avoidance of abrupt policy changes (*1982:22*).

One notable area which appeared constrained within the Task Force was over the proposed extension to the right to buy. As one member noted:

...I think it's fair to say that most members on the Task Force were amazed at the way in which the right to buy was treated. We wanted as a Task Force to be able to express our views formally on the proposed changes to the right to buy and again there was some resistance to that by Jackie Baillie [Respondent 40].

Another felt the same, commenting:

...the debate has been had a little but it was well constrained...initially by the Minister...there

is no doubt about that. If it's the only thing that was really constrained then it was that...some of the other issues have probably had a politically influenced perspective [Respondent 31].

Such criticisms regarding the limitations imposed on discussions with regard to the supply of housing and the extension of the right to buy were not accepted by the civil servant who chaired the Task Force in the Minister's absence. When I put these criticisms to the civil servant, he responded:

...well it was on the agenda. We did have a discussion on the right to buy on at least two occasions and I didn't think that Shelter set out their case terribly persuasively but yes we will, at the second phase, address issues of housing supply as well [Respondent 18].

The civil servant added that Shelter Scotland had not been too vocal about the right to buy in the Task Force because they did not want to jeopardize what they had achieved in other areas of homelessness policy. He told me:

...I think Shelter had other concerns. Okay they would have liked us to abolish the right to buy but they had other concerns and my interpretation is that they were getting quite a lot out of the Bill and that the right to buy was something that they were prepared to - well they didn't particularly want to make a big issue about it. I mean they were there in the background of the anti-right to buy campaign but they did not want to imperil what they had achieved elsewhere by being too strident about the right to buy [Respondent 18].

This last comment is particularly noteworthy since it suggests that representatives of Shelter Scotland may have felt constrained in their ability to voice their opposition to the right to buy when they were simultaneously enjoying fruitful discussions with the Executive in other policy areas. Put differently, Shelter Scotland were willing to bargain with other members of the network (Executive members) in policy resolution and were willing to concede in one policy area if they were going to benefit in another.

Linked to this, opposition MSPs were concerned that some kind of 'elite consensus' had developed within the Task Force to which they had not been party. They hinted in their comments that some of the participants in the Task Force had 'sold out' their membership in order to secure their place around the decision making table. For instance, one SNP MSP noted with some degree of anger:

...they have...[referring to interest groups]...done all their wee deals...You know some of the things that were said to us by the various lobbying groups - it was basically, 'oh gosh, if we back you...[the SNP]...on that we might lose on this'. I mean lose what?...You actually had individuals from organisations...individuals who were quite obviously protecting their own position on a Task Force...it's obviously a very good status thing to be a member of the Homelessness Task Force...people were protecting their position [Respondent 14].

And another SNP MSP similarly noted:

...I didn't sit on the Homelessness Task Force and produce that report. They may have had to do a compromise. They've all admitted they had to do compromises to get a result...We were not party to those discussions and those compromises and they are done behind closed doors, although the minutes are issued. You know, you don't get a flavour for the kind of horse trading that goes on. So it seems to be unaccountable, unelected [Respondent 11].

One member of the Task Force did not accept they had in some way 'sold out' or compromised their

position in order to work with the Scottish Executive. The respondent had initially been wary of joining the Task Force for those very reasons. Indeed, the organisation he was a director of had traditionally shied away from any involvement in Government. He told me:

...I guess it's fair to say that we were a bit suspicious. It was like 'what do we want to work with the Government for?' But Jackie persuaded me that the Homelessness Task Force was genuinely about a new agenda [Respondent 30].

Responding to a question I put to him regarding the possibility that it was an Executive controlled agenda, he replied:

...the agenda is Executive led but that comes from the traditional civil servant. Having said that I do say what I think all the time and I have said at times 'well if something's not on the agenda - put it on!' [Respondent 30]

Another member, however, was more cautious in her response with regard to the delicate balance that needs to be struck between interest groups working with government without necessarily compromising their stance. The member noted:

...you are heard but I just don't know how co-opted you are in the hearing [Respondent 31].

On one level, therefore, members of the Task Force broadly shared the same ideas with regard to the immediate, legislative changes they recommended within the first six months of the group being set up. However, on some of the more fundamental issues like the right to buy, the supply of affordable housing and so on, the nature of discussions particularly between the governmental and non-governmental participants was more strained; that said, no member left the Task Force. Moreover, take the comments made by the civil servant who chaired the Task Force. He implied that Shelter's willingness to cooperate and not push on certain areas, like the right to buy, led to their increased effectiveness elsewhere. All the members I interviewed demonstrated a sophisticated understanding of the complexities involved in working closely with the Scottish Executive in developing policy. They were all aware of the benefits but also of the compromises necessary in any group-government relationship. As Rhodes argues, the relationships within a policy network are based upon exchange. It is a:

...game in which both central and local participants manoeuvre for advantage deploying their constitutional-legal, organisational, financial, political and informational resources to maximise their influence over outcomes (*Rhodes, 1990:182*).

The nature of the bargaining process and the inevitability of there being 'winners' and 'losers' was also alluded to by one member of the Task Force who commented:

...one thing that we wanted, that is in it, is a duty on local authorities to have a strategy to prevent and alleviate homelessness in their area. We wanted it to be action based with targets. Not just a document, but a real action plan. Shelter wanted a duty to prevent and alleviate homelessness which we were happy with as well. During the discussions in the Task Force there was a question about whether to have both down: the duty and the strategy. I thought that was the best way forward. But there were resource implications [Respondent 28].

This bargaining and exchange based process may have been influenced by the presence of the Social Justice Minister who chaired many of the meetings. The Minister's presence was reported as being both positive and negative. One member felt this gave the Task Force:

...not just profile, but also depth to it...some kind of credibility and gravitas [Respondent 30].

Others, however, felt the presence of the Minister in some way acted as a restraint on the nature of the discussions. As mentioned earlier, one noted:

...I know at times Jackie was just sitting there saying 'shut up..[respondent's name]...we didn't want to talk about that'. It's not easy to stand up in front of a Minister and repeatedly say things that she just doesn't want to hear [Respondent 31].

Another member shared similar concerns, telling me:

...there is a strange thing about roles in the Task Force because to some extent there is a constraint having the Minister chairing it because she can't really recommend to her colleagues something that she knows will not be accepted by the Executive because she is part of it. In a sense a number of us do think we should be saying that this is the ideal thing, if you choose to accept it then fair enough, we accept that there is constraints on government. But if you have a Minister and an under secretary from the Housing Division there, then yes you have to constrain it [Respondent 28].

However, as much as there may have been very real or indeed perceived constraints on the nature of the discussions within the Task Force as a result of the Minister being present, it can also be argued that the attendance by the Minister suggests an Executive not only committed to setting up these specialist working groups or policy networks, but also committed to empowering this particular aspect of the policy machinery by adding, as the respondent noted earlier, 'credibility' to the network. However, the attendance by the Minister was also used to control the agenda and hence control 'acceptable' policy proposals that emanated from the Task Force. That aside, as one respondent noted:

...if you compare it to what we used to have which was very little direct access to the Ministers or civil servants then it's infinitely better [Respondent 40].

### *Roles in the Task Force*

There was also ambiguity regarding membership of the Task Force which is an important consideration in light of the policy network and pressure group literature. The policy network literature recognises the 'resource' of some organisations, such as service providers or implementers, which is necessary for an exchange based relationship between participants of the network to exist (*Marsh and Rhodes, 1992:251*). Moreover, Whiteley and Winyard found that promotional groups were more effective in affecting policy than representational groups since representational groups were often seen by civil servants to be not especially representational of their categories, while also being unable to 'deliver their members' (*1987:132-133*).

Members of the Task Force were unclear as to whether they had been invited to participate in their



role as 'experts' or whether they were there as representatives of their organisation. One comment from a member of the Task Force is worth quoting at length since it highlights a number of issues. The respondent told me:

...the membership is an issue as well. There are the usual suspects but that's not to say they're not the right people. I do think there are assumptions about people's representativeness and I'm not entirely certain if that representative's role is either real, or where it's real, whether there's enough time to carry it out well. In some way a group of independent experts is easier than a group of representatives from a range of interests. And again it's not terribly well clarified what you're doing and often you're working at a speed which...[means you are]...talking as an individual and I think for some people round the table that would improve their credibility because clearly they're not able to be representative and for others the representative role is what they're there for. So it's a bit mixed [Respondent 31].

Another member felt that he sat on the Task Force in a representative capacity. However, he was sensitive to the limitations about his own ability to consult with his members, telling me:

...I would want to be able to come back with those ideas, disseminate them around the members and then I'll feed them back in. But because it's been an open and frank meeting behind closed doors you can't do that. You can only confide in people that you trust so there's a bit of exclusion there [Respondent 28a].

Interestingly, in the course of the interview with respondent 40, he conflated his role as an 'expert' with that of being a 'representative'. To an extent, this is not problematic since these terms should not necessarily be seen as mutually exclusive as expertise might stem from being a representative while an expert could be representative of the prevailing views in a professional sense. However, clarity on the respective roles of members was important since some individuals did have members to represent but found the practicalities of time and the nature of the open and frank (and discreet) discussions in the Task Force rendered such consultation impossible. Respondent 40 sums up the nature of his own mixed roles, noting:

...people exchange views...[in the Task Force]...based upon their professional experience. There are times where I have to say something. I usually have to say as an...[organisation]... representative, I have to say X Y and Z. What I might say as a...[his other role]...is not [Respondent 40].

These comments are worth reflecting over. Firstly, respondent 31 alludes to the 'usual suspects'. The groups involved in the Task Force are certainly some of the better resourced groups within the housing lobby such as organisations 24, 25, and 27. Similarly, some groups have a great deal of implementation power in their respective roles as providers of a range of services and support needs for homeless people, such as groups 25, 39 and 40 which, as mentioned earlier, is an important 'resource' to have in the processes of bargaining and exchange that take place between participants of networks. Interestingly, not all of these groups are representative. For instance, groups 23 and 30 have no membership to represent but they are promotional groups and in light of the evidence provided by Whiteley and Winyard (1987:132-133) such groups can often display more professional

expertise. Of those who do have members to represent, there are questions regarding how effective that representation can be, given the constraints of time and the nature of the 'open and frank' discussions within the Task Force. Moreover, respondent 40 sees his role as both an 'expert' in his professional capacity but also as a representative, while respondent 31 views her role as a representative but also suggests that a body of independent experts may have been somewhat 'easier'. Thus a great deal of ambiguity surrounds the membership of the Task Force. On the one hand, it could be said that the Task Force is about opening up policy development to experts in the field, while on the other, it could also be about bringing the Scottish Executive closer to the Scottish people by including representatives of civil society in policy development. Either way, the legitimacy of the Task Force, like any policy network:

...[r]esides in the claims to superior expertise and/or increased effectiveness of shared service provision. It is no accident that the growth of policy networks coincides with the growth of public sector professions. The relationship is a true symbiosis. Professional expertise and effective service delivery legitimise the oligarchy of the policy network whilst membership of the network enhances professional control over both the service and, most important, the accreditation of its providers (*Rhodes and Marsh, 1992:200*).

Policy networks can also be conservative in their impact since they encourage consensus and coalition building among participants, while often being dominated by the Government (*Marsh and Rhodes, 1992a:198*). This was a particular concern of one of the respondents who noted:

...there is a confusion which may be deliberate about whether the Task Force's report is owned by the Government or owned by the Task Force and there has yet to be a discussion on how far everyone has to have consensus because consensus can become quite meaningless...I think it's generally accepted that we're able to disagree but how far we can disagree is problematic [Respondent 31].

The respondent also added:

...our job was either to act as an independent advisory body or it was to act as a consultative body and I'm not sure that was very clear and I think if we'd been an independent advisory group we would have been able to state more strongly what our view was [Respondent 31].

Such comments demonstrate that the nature of the policy network encourages bargaining in policy resolution (*Jordan, 1990c:327*). As mentioned earlier, the outcome of the policy making process within these networks is often not the solving of real problems, but the management or avoidance of conflict and the avoidance of abrupt policy changes (*Stringer and Richardson, 1982:22*). Grant goes further arguing:

...what emerges is rather like an elite cartel...[n]ot only is the range of participants limited, but there are good grounds for concern about the quality of the decision making process (*2000:51*).

One respondent who was not a member of the Task Force, but who did represent a homelessness charity, alluded to the elite consensus - however well intentioned (or managed) that consensus may have been - that emerged from the Task Force. He told me:

...there was a sense that there had to be a fairly bold statement by us which was prepared to step outside what seemed to be emerging as the consensus amongst the Parliament and led by the Executive and participated in by the large voluntary organisations through the Task Force. The consensus was that we needed fairly quick legislative changes [Respondent 29a].

This representative had in fact been invited to give a presentation to the Task Force and his reflections on giving a presentation are worth repeating from chapter five since they offer the only insight into the nature of the debate and the general atmosphere in the Task Force that is not provided by an actual member of it. He reflected:

...we were told a couple of days before the meeting that the Minister wouldn't be at the meeting...It was chaired by...[respondent 18]...and it tended to be people round the table that I had expected to be sympathetic, like...[respondent 28, respondent 31 and respondent 30]... Well, it was really depressing because we gave our presentation and no one asked us any questions and then...[respondent 18 - the civil servant]...took over and didn't invite any contributions from the rest of the group and said 'civil servanty' type of things like 'we've listened very carefully to what you've said'. But there was just no discussion about the issues. I went to...[respondent 28]...and said 'that was a bit weird' and he said 'yes, I know'...It was one of the least debate ridden contributions I have ever made and then we had lunch with them...[respondent 29a starts to laugh]...and it was all very civilised and then we got in the car and I thought 'that was weird' [Respondent 29a].

This individual was disappointed in the response, or lack of it, he received from members of the Task Force who he thought would be sympathetic to his view of how best homelessness could be tackled. He had written to the Minister requesting a meeting and subsequently was invited to give a presentation to the Task Force which the Minister was unable to attend. This organisation was campaigning for legislative changes the Task Force was not willing to consider at that particular time. Put differently, this group's demands were outwith the agreed consensus within the policy network.

One member of the Task Force took a pragmatic view of the criticism levelled at his group that the participants had not been radical enough. He told me:

...the first phase was deliberately about designing something to go into the Housing Act and it couldn't be too controversial otherwise it would never have made it in. On the other hand we realise that what's in the Housing Act isn't going to solve homelessness in Scotland. It will help but it won't solve it. So the second phase is about looking at supply, but in my opinion it's had nothing like the attention that it deserves [Respondent 40].

A number of themes emerge about the nature of discussions within the Task Force. One is that a great deal of task orientation existed amongst the participants who were not concerned with rhetoric or party politics but simply with getting on with the task in hand. The other is one of consensus and compromise but also of constraint: the evidence from the interviews suggests there was widespread agreement on what should and could be achieved in the short term which took the form of measured recommendations which led to immediate changes to homelessness legislation. There was, however, also compromise since members of the Task Force had to work within the agenda the dominant

member (the Executive) was prepared to give ground on. For instance, we have seen evidence that the discussion on the right to buy had been constrained by the Minister and that fundamental issues like the supply of affordable housing had been side-stepped because of resource implications. Such compromise and negotiation did, however, appear to work both ways and members were involved in a positive sum game. For example, during my second interview with respondent 28, which was prior to the publication of the Homelessness Task Force's second report, he told me that participants in the Task Force were concerned that issues relating to social security would not be addressed because of the sensitive political constraints. He noted:

...and the third thing we're dealing with at the moment is how we deal with matters that are reserved to the Westminster Parliament. The whole social security issue is so crucial. If it were a three legged stool, it would be one of those legs. I think there's a protocol problem about Jackie Baillie, as a Scottish Executive Minister, publishing a report which demands changes from a Westminster Minister. Most people are determined that there will be a section relating to the social security system in one way or another [Respondent 28a].

Indeed, the second report of the Task Force does contain a section on 'Benefits' where it states a number of recommendations that:

...the Scottish Executive should pursue...with the D[eartment of]...W[ork and]...P[ensions] (*Scottish Executive, 2002: recommendation 49*).

Respondent 40 would also be happy with the second report of the Task Force which contained a recommendation to abolish 'priority need'. When I interviewed him, the Task Force was just getting round to discussing the issue. He commented:

...the concept of 'priority' needs to be abolished. That's what I went on the Task Force to achieve. We are now discussing that. It's been bloody frustrating at times but we have at last got to the core of it [Respondent 40].

This exchange-based relationship between participants of the policy network is essential to its survival. There might be a dominant coalition or member within the network, such as the Executive, but even the Executive has to sometimes enter into a process of exchange since it too is dependent on other members for resources. These resources could be anything from a group's expertise in policy development; requiring a group to add credibility to the policy outcome that originates from the network; being dependent upon the implementation power or the service provision of a group; or wanting (or needing) the support of that group's large membership base.

Throughout the discussion on the role of the Task Force in policy development and the attitudes of participants to it, I have used the term 'policy network' loosely to describe the relationship between groups and members of the Scottish Executive in policy making. However, as discussed in the literature review, the term 'policy network' is essentially a generic label which embraces different types of network relationships (*Schubert and Jordan, 1992:485*). Indeed, traditionally the literature has referred to 'policy communities' where:

...policies...were made (and administered) between a myriad of interconnecting, interpenetrating organisations. It is the relationships involved in committees, the policy community of departments and groups, the practices of co-option and the consensual style, that perhaps better account for policy outcomes than do examinations of party stances, of manifestos or of parliamentary influence (*Richardson and Jordan, 1979: 74*).

More recently, the term 'policy community' has largely been replaced with that of 'policy network' since it has been argued there are in fact relatively few networks which have the internal stability and insulation from other networks typical of policy communities (*Grant, 2000: 49*). Although this might be the case, by losing the term 'community' the 'network' becomes almost insufficient in drawing our attention to the importance of the relationships that are generated at the micro-level between parliamentarians, bureaucrats and interest groups in and through such networks.

Before going on to examine the extent to which the Task Force fits with these analytical propositions, it is worth bearing in mind that different types of policy networks are ideal types. The typology developed by Rhodes and Marsh (*1992*) is simply a framework which helps us to focus on the most important variables within the policy clusters that have traditionally developed around government departments at Westminster. Some, like Dowding (*1995*), would argue it is not a theory and hence does not provide explanations since only theories have explanatory power, although there have been recent attempts (such as *Marsh and Smith, 2000*) to use networks to explain policy outcomes.

As ideal types, the characteristics of the policy community more closely resemble the nature and character of the Task Force than do issue networks, despite the literature suggesting I might find otherwise. For instance, Marsh and Rhodes (*1992: 251*) state that policy communities are networks characterised by stability of relationships and the continuity of a highly restrictive membership. As mentioned earlier, there were thirteen members of the Task Force and membership remained static for the duration of the Task Force with the exception of the ministerial change, which was inevitable with the removal of Jackie Baillie from the Scottish Executive in November 2001. Moreover, members of the Task Force noted being 'phoned up and on some occasions 'persuaded' by the then Minister to join the Task Force. It goes without saying that the very act of choosing who is going to sit on the Task Force in itself requires a degree of exclusion.

Other characteristics of the policy community include the frequent and high-quality interaction of all groups on matters related to policy issues (*Marsh and Rhodes, 1992: 251*). Evidence from interviews with members of the Task Force suggests they were not only accorded the privilege of prior consultation but also engaged in discussions over legislative details, although this may have been within certain constraints and policy parameters controlled by the dominant member of the network. Nevertheless, members of the Task Force were privy to 'frank and open' discussion. One member commented that, for him, the consultation period over the summer, which came after the first of the

Homelessness Task Force's reports, was:

...actually going to be a real strange process because there has been a lot of discussion and lobbying behind the scenes before the consultation document came out which is not even the draft Bill by any means [Respondent 28].

This part of the consultation process the respondent is alluding to was in fact the first formal opportunity for most groups to become involved in the policy process. This highlights the differences that exist between those who are in the policy community and are afforded privileged status and those who can not penetrate the exclusive (and in many respects informal) aspects of the policy machinery. Marsh and Rhodes (1992a:198-199) argue that policy networks (to use the generic term) are essentially elitist. The emphasis within the policy network is upon the existence of close, closed and continuing relations between interest groups and government which negotiate policy between them to their mutual advantage. Marsh and Rhodes argue there are two key resources which give groups this privileged access to decision making: economic position and knowledge (1992a:199). As mentioned earlier, the groups on the Task Force are, in relative terms in the housing lobby, the resource-rich groups many of which have a large staff and are national, sometimes promotional, but not necessarily representative, bodies.

Policy communities are also characterised by their insulation from the general public, including the Parliament (Marsh and Rhodes, 1992a:182). This is one concern many opposition MSPs expressed since the Task Force had been so instrumental in providing the recommended legislation which eventually made it on to the face of the Bill and subsequently the Act. One MSP commented:

...the fact that Shelter was in the Homelessness Task Force did not give them all wisdom. Three out of the four political parties did not agree with the conclusions of the Homelessness Task Force [Respondent 8].

While another MSP similarly remarked:

...clearly it's in the Executive's interests to have everybody on board but there is another nuance which is that having them on the Homelessness Task Force may be fine for the Executive and may mean they've had all their arguments there but the committee don't know these arguments and the committee haven't been party to them and to some extent I don't think it's our job to let not even the well-intentioned organisations - who I work closely with - make legislation if you like because it's still up to the committee to satisfy themselves that this is the proper way to do it [Respondent 1a].

This last point not only highlights a tension between the Parliament, interest groups and the Executive regarding the sharing of power, but it also picks up on some of the normative concerns Marsh and Rhodes raise regarding the implications policy networks have for representative democracy. Some, like Jordan and Schubert (1992:12) believe policy networks should be seen as a neutral concept; however, Marsh and Rhodes disagree. They pull on the work by Lowi (1969: 85-97, 287-297 in Marsh and Rhodes, 1992a:199-200) and argue:

...policy networks destroy political responsibility by shutting out the public; create privileged oligarchies; and are conservative in their impact because, for example, the rules of the game



favour established interests.

Marsh and Rhodes (1992a:200-203) go on to write:

...policy networks raise the thorny and perennial problems of the relationship between parliamentary and functional representation and between political responsibility and private government by interest groups. Such normative questions do not disappear just because the literature on policy networks ignores them...To describe policy networks is not to condone the oligopoly of the political system.

Despite these concerns it should still be noted the recommendations of the Homelessness Task Force were welcomed by most interest groups, including those groups who were not part of it. Indeed, the Task Force's membership, meetings and agenda were all published on the Internet which could be seen to be a step forward in opening up these policy networks to a degree of public (and parliamentary) scrutiny given the fact that an informal grouping of key political actors, interest groups, academics and so on, may have been created regardless. This would simply have happened behind the scenes and in a more informal capacity and thus would not have been subject to the same degree of scrutiny. Such informal discussions may have taken place anyway around the edges of the Task Force, although I have no evidence to substantiate this.

Members of the Task Force were keen to stress that as much as the Task Force had its limitations as a result of being Executive managed, it was also seen as a major step forward. For instance, respondent 40 told me:

...in terms of them being open, inclusive and accommodating I would say that the Scottish Executive has been extremely - almost too much at times and so I think it's been very positive.

Another added:

it's been quite successful. For us to relatively quickly come up with a whole deal of recommendations without exception to find themselves into the Act is not bad going [Respondent 40]

while another erred slightly on the side of caution, noting:

it feels real. I just don't know if it is [Respondent 31].

### *Working Groups*

The Homelessness Task Force is just one of many forums set up by the Scottish Executive regarding housing and homelessness<sup>31</sup>. No fewer than seven formal working groups have been set up to look at some aspect of the Housing Bill. This does not include the many sub-groups that are formed from the membership of these formal working groups and does not include groups that have been created since the passage of the Housing Act which have remits focusing on implementation and, in particular, how secondary legislation should be interpreted since this does not appear on the face of the Bill. Coupled with this, a Housing Improvements Task Force has since been created in response to criticism from

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<sup>31</sup>see appendix J for a list of others.

organisations like 26 and 43 who argued that the Housing Bill was heavily focused on the socially rented sector; hence the new Task Force has a remit to look at the private sector.

One of the earliest working groups was the *Housing Interests Group* which first met in June 1999. It was made up of representatives from the Scottish Federation of Housing Associations, COSLA, the Council of Mortgage Lenders, Scottish Homes, the Chartered Institute of Housing in Scotland, the Scottish Council for Single Homeless, the Scottish Tenants Organisation and Shelter Scotland and was chaired by the then Minister for Communities, Wendy Alexander. Its purpose was to:

...discuss the Executive's housing agenda, including the proposals in the Housing green paper and *strategic issues for inclusion in the Housing (Scotland) Bill (SIW-16839 emphasis added)*.<sup>32</sup>

A member from the Scottish Executive explained during an interview that the Housing Interests Group served two functions. One function was that the then Minister, Wendy Alexander, could "discuss discreet areas" with the organisations which "assisted the Executive in formulating key aspects of the Bill". The other served the function of keeping the "key players" on board so that they could "feel a degree of ownership about the process" and keep abreast of what the Executive was doing. One member of the Housing Interests Group told me:

...it was supposed to be a precursor to something that was mentioned in the housing green paper which was a Scottish Housing Advisory Panel which was a panel of experts acting as a sounding board where the Minister could bounce ideas off and avoid any major pitfalls. That has looked at some things like the right to buy and some of the stuff related to the single social tenancy [Respondent 28].

This suggests that a small number of interest groups were being made aware of the Executive's policy agenda at an early and by all accounts crucial stage in the policy making process. It is not clear if any of the groups had an effect on the Executive's thinking since I do not have a sufficient amount of data on this particular network, but what is clear is that the Scottish Executive-civil service-interest group network was visible very early on in the lifetime of the Scottish Parliament and in particular in the lifetime of the Housing Bill.

As can be seen from Appendix J, seven formal working groups (not including the Homelessness Task Force) were set up by the Scottish Executive although, as mentioned earlier, this does not include any sub-groups that may have developed out of the aforementioned formal groups. One representative from an interest group thought there were about:

...twenty or thirty working groups at the moment on different aspects of housing policy...each

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<sup>32</sup>This information was in response to the following written parliamentary question by Linda Fabiani (SNP): To ask the Scottish Executive how many Task Forces, working groups or other similar bodies it convened for purposes connected with the Housing (Scotland) Bill; what the purposes of these were or are; who served or serves as members of any such bodies, and at what capacity each member served or serves.

group ha[ving]...a different purpose. It might be to produce or advise on guidance. It might be drawing up the legislative programme [Respondent 23].

This representative was sensitive to the accusation that these working groups simply had the better resourced, national, and for the most part, professional organisations sitting around them, of which his organisation was one. He told me:

...there is a danger that you get the usual suspects on them and over the past two years you've probably had the Institute, the Scottish Federation of Housing...[Associations]...Shelter and CoSLA sitting on them [Respondent 23].

One 'key player' defended her organisation's participation in many of these groups, commenting:

...the whole thing about the Scottish Parliament and the openness and accessibility is about talking to the people who are regarded as experts in the field and trying to thrash out a set of recommendations for action. That will always be a certain group of individual organisations because they are the ones that have developed the expertise [Respondent 27b].

One SNP MSP felt differently, believing working groups were losing their credibility because they were continuing to consult with the usual suspects and in so doing excluded those directly affected by the legislation. This MSP had also commented earlier on the Task Force in much the same light. She told me:

...if we're going to have a working group, why not have Jimmy Smith from Lochfield Park Court sitting on the Executive's working group because he knows every bit as much about it as David Alexander who is the director of the SFHA. He might not be so eloquent, he might not use the same words, but he lives it and he knows what it's all about and that's what I find quite unhealthy is the usual suspects stuff and they're all paid professionals [Respondent 14].

This feeling was highlighted by a number of my respondents representing (in its most general form) the tenants' movement. As one noted:

...they're so rigid in their thinking of involving local people. Their view is that if they invite..[the organisation along]..then we're tenants and we're not. We're paid staff. We're not the tenants movement and they're a bit nervous about having local people...which is a bit disappointing...They've set up a Housing Bill Implementation Working Group which is a group which oversees that the Act comes into power. There are no tenants reps at all [Respondent 36].

Another respondent who was a voluntary member of the Tenants' Association and had been so for over thirty five years also felt the actual tenants were starting to be excluded. She told me:

...Calum McDonald...was really interested in tenant participation. It was him that got the tenant participation working party started up and that was going well and that was just tenants round the table and then the Chartered Institute of Housing and them started to get called into it. Fine, we had no objection to that. It was like major federations were involved and then all of a sudden they've decided they've outdone its usefulness but they're still talking to the Chartered Institute of Housing, Tenant Information Service and Tenant Participation Advisory Service and there are no tenants there. It used to work perfectly well before it was chaired by leading members of the federations [Respondent 38].

Interestingly, one organisation representing part of the tenants' movement was included in what by all

accounts was the most influential working group - the Housing Interests Group. As discussed in chapter five, group 35's inclusion in the working group was odd given that it pursued less than sophisticated strategies and was extremely vocal about the Executive's housing proposals. Under most circumstances this group would be excluded from the policy network but its resources were more important (and more valuable) than the strategies it pursued or the policies it believed in. This respondent was aware of the 'rules of the game' but was not prepared to enter into any exchange-based relationship with other participants of the network if it involved 'selling out' its members. If the inclusion of this group was based on the assumption that it could deliver compliant members then such reasoning was misguided given the passion felt by the director of organisation 35 towards policies such as stock transfer.

Some groups, however, did look on their exclusion from a Task Force or a working group as an opportunity to be as vocal as they wanted about some aspect of Executive policy since they were not party to any 'cosy compromise or consensus', a position resembling that of an outsider by choice or ideology (*Maloney et al, 1994:31*). One group was disappointed not to have been invited to sit on the Housing Improvements Task Force despite lobbying hard for it to be set up. However, the representative took a pragmatic view, telling me:

...the other side though is that after speaking to people on the Task Force, you actually have a lot more voice to criticise from the outside if you're not on it...it does leave your hands free to say whatever comes out isn't good enough [Respondent 43a].

A group who did not sit on the Homelessness Task Force also saw some advantages in being excluded from it. Its representative does, nonetheless, qualify these 'gains' by questioning the effectiveness of being an 'outsider'. He told me:

...it is important that you have organisations with a range of views and a range of tactics. Shelter, the SFHA and the Big Issue are obviously all tied into the Homelessness Task Force process and I don't think you can divorce the two - the Act from the Task Force. To a certain extent those organisations have felt, not shackled but they have been party to the compromised decisions that have inevitably been made in the Task Force...some of those organisations that are on the Task Force have found it useful that there is another organisation who is keeping the bigger picture alive...although I actually don't see us getting many benefits by doing that but you never know [Respondent 29a].

A recurring theme from many respondents involved in these policy networks was the tension they felt between, on the one hand, engaging with the Executive and trying to make better public policy as a result, while on the other hand, feeling co-opted into a process in which they had little control and where there was a hidden or alternative agenda. For example, one respondent felt the working parties were a 'ruse'. He told me:

...the Executive set up a right to buy working party...which was trying to identify what the implications were going to be in practice for registered social landlords. That reported around December and broadly speaking the Executive accepted its recommendations and it was the standard ruse I suppose - the Executive setting up a working party and that takes the

heat out of it and enables you to quietly change policy without a climb down and I think that's what they did [Respondent 26].

Despite respondent 26 believing this working party was some kind of device which enabled the Scottish Executive to make some changes without necessarily losing face, at least he felt its recommendations had nonetheless been broadly endorsed. This contrasted with the comments made by respondent 43, who felt her involvement in a working party had been nothing more than window dressing. She told me:

...when we were asked to go and meet with the new head of the Housing Division... [respondent 17]...he called a working group to look at the central heating initiative in the private sector and we were delighted to be told this before it went to the media. He told us what it was going to be and asked us to keep quiet...we were asked to sit on that working party which gave the impression that we were on the inside. That was one experience which I would have said was fairly tokenistic 'cause that was only about three meetings...there was no ongoing feedback. We heard nothing. We heard no more than anyone else [Respondent 43a].

Indeed, when I asked the new head of the Housing Division who had set up this working group what role interest groups such as 43 had played in the process, he told me:

...it's interesting that. I suppose that question is do they add value and the answer is yes we think they do. But in terms of the technical knowledge they bring to it, generally they don't [Respondent 17].

Respondent 17 saw the involvement of groups as a two way process:

...they...[the groups]...were being informed of exactly what we were doing...and they...[the groups]...were being publicly quite good...this is the two sides of the process [Respondent 17].

While the resource-exchange of technical knowledge was not seen as especially valuable to this civil servant, the rules of the game operating within the network, which dissuaded groups from using the mass media as a tool, were beneficial to respondent 17. That said, representatives from groups demonstrated sensitivity to the compromises involved in policy resolution in policy networks. One said:

...I know the potential limitations of working groups. The advantage though is that there are some civil servants who genuinely want to learn...I've not found the working groups a waste of time because if I had I would stop going because I've got better things to do [Respondent 36].

Another added:

...if you sit on a steering group - tough - if you're not happy with the proposals you...leave the steering group and you don't have your name on it. Everyone knows that [Respondent 43].

As mentioned throughout the chapter, opposition MSPs were critical of the number of working groups and Task Forces that have been set up. One SNP MSP joked:

...I spoke to somebody today in another sector...'are you on a working group yet?' And she said 'I can't get my job done because I'm on so many!' She was totally cynical [Respondent 14].

Another SNP MSP commented:

...the Executive is embracing civic Scotland which is good. They should, I think, be applauded for that. But at what point does the third sector become part of the first sector. There's a blurring on the edge. There might have to become a trade off in order to become part of the Government policy making [Respondent 11].

And another added:

...the contentious issues are farmed out to working groups. It's the job of the Parliament to look at it - not just wee groups all over the place [Respondent 9].

### *Conclusion*

Perhaps then it could be argued that the plethora of working groups set up by the Executive amounts to nothing more than representatives of interest groups being co-opted into the administration.

Moreover, perhaps working groups are a 'ruse' in order that the Executive can remove a contentious area, at least from public scrutiny, until the area has been given detailed examination by 'expert' participants which may take some time. On the other hand, the contributions from these experts may indeed lead to better public policy, while the input of individuals who sit on these working groups in a representative capacity may help to protect the interests of the many and not just the few. Those who sit on Task Forces or working groups appear to be very aware of the potential criticisms that could be levelled against them in relation to the cosy compromise and consensus that may be necessary within the policy network. On the other hand, some who are not party to these discussions, and who have been excluded from the policy network, question the influence they can have as an outsider. Indeed, no one I interviewed said they had proactively left a Task Force or a working group which may suggest there are many gains to be had and few pitfalls (if any) to look out for. These tensions are summed up by a Labour/Liberal Democrat MSP who noted:

...if the Ministers have a strategy of including then those who are included are less credible and I find that dodgy ground. What it implies is that people don't have an independence of thought and they're suckered into a system, but if they're not brought into the system they would be forever oppositionalist because all they can do is stand at the side and shout because as soon as you come in, somebody's going to say 'well you no longer represent the people because you allowed yourself to be pulled into some kind of establishment' [Respondent 2].

The literature on policy networks certainly helps to describe the relationship between groups and government in Scotland by drawing our attention to a number of important variables like: the number of participants involved in these group-government relations; the stability and durability of these relationships; the barriers to entry to other participants that are erected around these relationships; and most importantly, the policy outcomes that emerge and are agreed upon by the participants within these arenas. If we pull on the work by Marsh and Rhodes we are encouraged to not only describe policy networks but also to question whether these are an inevitable necessity, given that they are a ubiquitous part of government (*Marsh and Rhodes, 1992a:203*). The examination of interviews with some of the participants of the Homelessness Task Force and with participants of working groups may suggest that while some of Marsh and Rhodes' normative concerns may be well-founded, the members



and participants of these policy networks are acutely aware of the real possibility of being co-opted into government administration. As one of my respondents from an interest group asked:

...have we all become an extended civil service? [Respondent 43a].

## Chapter 7

### *The Attitudes of Civil Servants to the Involvement of Interest Groups in the Pre-Legislative Consultation Stage and the Reflections of Civil Servants on the Legislative Process Generally*

#### *Introduction*

This chapter will primarily focus on four interviews that were undertaken with civil servants working in the Scottish Executive Development Department. The chapter will discuss their attitudes to the pre-legislative consultation stage, before exploring their reflections more generally on the legislative process. The civil servants whom I interviewed included a member of the Housing Bill team, the Housing Bill team manager, the head of one of three housing divisions who also chaired the Housing Improvements Task Force and a senior member of the Development Department who chaired the Homelessness Task Force.

#### *Pre-Legislative Consultation Stage*

Formally, the pre-legislative consultation stage began with the publication of the Executive's consultation document 'Better Homes for Scotland's Communities: The Executive's proposals for the Housing Bill'. The consultation document was published on 5 July 2000 and the consultation period ran until 29 September. In total, two hundred and forty six formal responses were lodged. Of these, sixty were from the voluntary sector, forty three from housing associations, thirty one from local authorities, twenty three from individuals, fifteen from professional bodies including trades unions, eleven from business organisations, one from an academic institution, and eleven 'others' (*Scottish Executive, 2000a: 4*). One of the first questions I put to the civil servants was how these formal responses had been managed. One official who was in the process of analysing the formal responses when I interviewed him in September 2000 told me:

...at the moment the formal responses are being read and logged. Myself and...[respondent 16]...read them. The methodology is fairly simple...[respondent 16]...and I have been going out and speaking to people on the ground and engaging in close consultation with most of the major housing groups in any case. Very few of the ideas from the large organisations are new to us [Respondent 15].

He added:

...there are two ways we operate. Some of the bigger organisations we are in closer consultation with during the process. They will be giving us and have given us access to draft responses which is particularly handy if you want to incorporate legislative changes at an earlier stage [Respondent 15].

The 'major housing groups', the 'large organisations' or the 'bigger organisations' the respondent refers to are also those groups who were involved in the consideration of policy at a much earlier stage than most of the other groups in the housing lobby. The process by which a small number of groups had offered civil servants access to their draft responses to the consultation document implied that an

exchange-based relationship had developed between a key number of groups and officials. More importantly these principal groups were not only involved in the consideration of policy at an earlier stage, but more critically were involved in the development of policy and hence were able to influence policy before it was ever 'set in stone', being, *inter alia*, members of the Housing Interests Group. One representative from a 'Core Insider' group, commenting on one of the more consensual and technical aspects of the Housing Bill, the creation of the Single Regulatory Framework, noted:

...we made formal representations to the documents - the green paper and Better Homes - but in the background...we wrote part of the documents. We helped draft them. It's a rather strange thing to do. On the one hand to write parts of these documents and on the other hand to respond to them [Respondent 25].

So who are these principal or 'key' groups? All the civil servants I interviewed had no difficulty identifying who they thought were the key players. The head of one of the housing divisions identified the principal groups as organisations 23, 24 and 39, adding:

...these sorts of groups know how our system works. Know how to discuss things with Ministers. Know how to work with civil servants. They can talk more detail [Respondent 17].

Another identified them as 23, 24 and 39 while also adding group 27 to the list, believing these groups:

...provide the technical expertise and provide the professional view [Respondent 16].

The Housing Bill team manager believed group 27 was the key group in relation to homelessness, group 23 took the lead in discussions regarding the private sector, while organisation 24 dominated discussions relating to the right to buy. The most senior civil servant I interviewed mentioned all these and added to the list organisation 28, while being the only one to mention the tenants' lobby. He told me:

...obviously in relation to the right to buy we had both...[group 39]...and...[group 24]...who were important groups in that context...then the group of people who had more of a professional interest like the housing professionals...[group 23]...and of course the tenants' organisations [Respondent 18].

From these excerpts it is worth noting two points. Firstly, officials easily identified principal groups who were influential in specialist policy niches within the broad policy area of housing. This ties in with the pluralist notion of power in society being fragmented and dispersed, reinforcing the pluralist argument that power is noncumulative in the sense that those groups who are powerful or influential or perhaps even 'experts' - a point I will return to later - in one area are not necessarily powerful or influential in another. Secondly, the senior member of the Development Department quoted above is the only one to mention the tenants' organisations, and while he mentions by name the homelessness organisations (group 27 and group 28) and the professional body (group 23) he fails to name any organisation from the tenants' movement, of which there are many. For example, to name a few I have interviewed, there are the Scottish Tenants' Organisation, many regional tenants' groups such as

the Edinburgh Federation of Tenants and the Dundee Tenants' Organisation, as well as the Tenant Information Service and the Tenant Participatory Advisory Service. Not only does the mention of the tenants' organisations in their generic form appears somewhat tokenistic and perhaps even an afterthought, but more tellingly, none of the tenants' organisations I interviewed would have identified themselves as key players. In fact quite the opposite was true with tenants' groups feeling they had to struggle to achieve any form of representation, having to "fight for it and fight hard for it" [Respondent 34], while another tenant representative commented:

...consultation and participation is done on their terms. It's very rarely done on the tenants' terms. This is the problem we have concerning so-called participation [ Respondent 35].

So what makes a civil servant more likely to listen to an idea or a proposal and more importantly what are the 'rules of the game' groups must abide by, or play by, in order to enjoy any role in agenda setting and policy development? A group's ideological proximity to the Executive's position is an important factor. For interest groups who do not share or welcome even the broad principles contained in a consultation document, any formal representations will undoubtedly prove to be ineffective. Unless these ideological outsiders can couch their views and responses within the general thrust of the policy framework they will have to remain excluded from the process. As one civil servant commenting on community ownership noted:

...you could add up the number of responses on community ownership if you wish...we get plenty of them and we're aware of them...but usually you bear in mind the Ministerial priorities and then you bear in mind the coherence of a particular point [Respondent 15].

He added:

...I was at a seminar for the Housing Bill recently where one of the speakers was from the Scottish Churches organisation and he gave a twenty minute presentation on how to lobby us which I thought was excellent. That's exactly what people need to go and listen to because that would stop people coming up to us and saying that community ownership is a terrible idea. That's irrelevant to us as civil servants. What matters is what the Minister desires and the Minister has a clear position on this...There's just no point making political points...a lot of responses are phrased in absolute...which adds very little to the consultation process. What does add to the process is when people have genuinely got rationally good points to make and we're always willing to listen to that.

This member of the Housing Bill team emphasised the coherence or the rationality of a point and suggested these were not the same as absolute or political statements. The same civil servant implicitly linked those organisations or individuals who made these political points to the 'groups on the ground' and the 'smaller groups'. He told me:

...some of their responses are more politically phrased and sometimes they are less articulately presented and as a direct result of that they are less likely to be focused. Now if you are framing legislation, general sweeping statements about how you feel about legislation are unlikely to be helpful. But at the same time you are aware that these are the people that the process is likely to be about. So it's a difficult balance to strike because some of the bigger organisations, who have a very important role to play, are very good at framing, they are professional lobbyists and their responses are usually targeted effectively. And they know how to negotiate. They can bring their expertise but also their credibility to the table. I think

this is important because some of the groups...from the beginning strike a different tone and make it very hard to consult with. I think a lot of groups on the ground, especially the smaller groups, see this as a combatant process. And I think that's unfortunate because it's not [Respondent 15].

One official was exasperated by the lack of focus present in some of the written formal responses he had received, telling me:

...civil society has just not got to grips with the difference between legislation and non-legislation – what you need to put in the detail of the Act and what you can leave out. Take the key organisations like...[group 39, 24 and 27]... their responses were really well structured, taking each of the points in turn [Respondent 16].

His colleague reiterated this:

...I personally respond to people presenting ideas and presenting arguments which demonstrate a link between what the change is and what the outcome would be, either through their experience or through something they can demonstrate elsewhere. I suppose I find it quite difficult to accept arguments based on principles or morals or because 'it's the right thing to do' or 'it's the good thing to do' [Respondent 17].

The civil servants tended to favour responses or arguments that were structured and focused and backed up by evidence. Moreover, responses should avoid making political or ideological statements and should be couched within the broad policy framework, identified by the relevant Minister and his or her department. More importantly, civil servants preferred to consult with organisations prepared to negotiate and who they perceived as having a degree of expertise and credibility. As one noted:

...I think it is important that they demonstrate credibility and that what they are asking for will deliver change [Respondent 17].

The officials associated the acquisition of political skills, such as the ability to negotiate, not to mention expertise and credibility, with 'bigger' or 'larger' organisations. Indeed, the excerpts below suggest civil servants had a propensity to conflate a group's expertise and credibility with a group's size. Perhaps more importantly than this, a group's size was often wrongly associated with their representativeness, while a group's representativeness was similarly confused with a group's expertise<sup>33</sup>. This is summed up by one civil servant who commented:

...you've got to pay attention to the big groups simply because they represent so many people and have so much expertise and I think, to be fair, they often have the resources to be able to make their responses targeted and effective [Respondent 16].

These 'big groups' or key players (these terms being used interchangeably by officials to identify principal organisations) did not all have a representative base. For instance, although group 24 and group 23 have members to represent, organisation 27 has not. This poses questions regarding the differences between those organisations which make claims to be representative and those which are

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<sup>33</sup>This confusion between a group's representativeness and expertise is not unlike the ambiguity that exists with regard to those who sit on the Homelessness Task Force. As discussed in chapter six the capacity in which individuals were invited to serve on the Task Force is unclear.

not strictly representative but who do nevertheless provide expertise in a given policy area. Whether a group is representative or brought into the policy process as an expert gives them credibility and legitimacy in the consultation process. However these 'experts' may not necessarily be the authentic voice of the excluded group, while an organisation's 'representativeness' may also be questionable.

As Grant notes:

...most pressure groups are not very democratic internally. Leaderships are either not elected at all or elected through processes that lack transparency. Some groups give the impression of being run by a self-perpetuating oligarchy. While there may be elaborate networks of committees to discuss policy, direct consultation of the membership may be limited to the occasional questionnaire (2001:345).

The tendency of civil servants to equate a group's expertise and representativeness with legitimacy and credibility was also evident in the interview with respondent 15 who commented:

...I think larger groups, I say larger groups but by and large I mean the more organised groups, are better. They've been through the consultation process or if they haven't they've been through negotiations before and they know the rules of the game. They realise what the possible outcomes are which isn't always true of some of the smaller groups or individuals on the ground that we're dealing with [Respondent 15].

Not only is the ability to negotiate important - and note the word 'negotiate' implied some groups were more involved than others - but their ability to play by the rules of the game, or the fact they were 'larger' groups or 'more organised' groups, has afforded them a degree of status in the consultative process which 'smaller groups' or 'individuals on the ground' did not have. Individuals at the grassroots level may not talk the same language as civil servants but they are the ones most likely to be affected by the legislation. One civil servant conceded this stating:

...we do take account of the weight of bigger organisations, but the weight comes from the point within the response. An individual could write in with a point that was overlooked in terms of how legislation would impact on the ground. The chances are that we would have caught it already because we've been in negotiations with the large groups, but if we haven't, then we can then sort it out [Respondent 16].

Linked to this, civil servants were keen to emphasise the breadth of consultation which had been undertaken. One told me:

...we will agree to see whoever wants to see us to lobby us [Respondent 17].

Another commented:

...I don't think anybody has asked for a meeting with us who we haven't in some way met [Respondent 15].

While another stated:

...the organisations like to be included and were included. We paid a lot more attention to their views than has traditionally been done, certainly at the Scottish Office [Respondent 16].

And another civil servant noted:

...there were quite a wide range of different groups in different bits of the Bill [Respondent 18].



Being involved in the consultation process does not necessarily translate into participation in decision making. As chapter five illustrated a large number of groups can be involved in the consultative process, but the experiences reported by them paint very different pictures. Some groups simply submitted formal written responses to the consultation document; others had ad hoc meetings with officials over the duration of the legislative process. Some groups enjoyed regular contact with civil servants and may even have had the opportunity to put their case directly to the Social Justice Minister, while a select number of groups were members of the Homelessness Task Force and other such working groups, through which they enjoyed privileged access to both Ministers and civil servants.

So how did civil servants view the contribution of interest groups to the policy process and what influence, if any, did they have over policy outcomes? One civil servant valued the resource of technical knowledge groups could offer, noting:

...we might go to the organisations and say 'we've spotted this problem, is it going to be a serious problem? How can we fix it – what do you think'? [Respondent 16]

While another added:

...we are very well aware in here that the organisations have very legitimate views and knowledge that we don't have and it's just foolish to overlook that [Respondent 17].

The same respondent did go on to question what certain groups like organisation 43 could bring to the discussions, stating:

...I suppose the question is do they...add value and the answer is yes we think they do but in terms of the technical knowledge they bring to it, generally they don't [Respondent 17].

If some groups added value, while others did not, could the same be true of influence? A member of the Housing Bill team certainly suggested that by stating he had "been in negotiations with the larger groups" [Respondent 15]. The most senior civil servant I interviewed also implied some interest groups had been successful in modifying aspects of the Housing Bill, commenting:

...we did as you probably know move on some things subsequently in response to things from...[organisation 27]...and some other organisations because the nature of the parliamentary process is that the Minister doesn't actually want to say no to everything [Respondent 18].

Another official, however, took a more considered line:

...it's negotiation up to a point but I think it's quite important that the Executive still remain - even though the Bill has passed into the Parliament and its technically the Parliament's Bill it does in a very real sense belong to the Executive's programme...so the extent to which it's a bargaining process with the Parliament and the groups is probably slightly limited [Respondent 16].

He added:

...the right to buy is a classic example of not taking the organisations' views on board. If we had, we would have had a completely different policy from the word go [Respondent 16].

The manager of the Housing Bill Team was keen for me not to overstate the role groups had played throughout the process and was eager to emphasise the officials' role, the Minister's role and the part played by MSPs. The Housing Bill team manager explained:

...I don't think you can overestimate the amount of work that the Ministers, particularly Jackie Baillie and Margaret Curran, but other Ministers as well, put in across the Executive to try and make sure that back benchers were happy [Respondent 16].

The same respondent reflected on the relative role of interest groups *vis-a-vis* officials and MSPs in the drafting of amendments for stages two and three of the legislative process, commenting:

...there are three different routes that led to amendments. Firstly there are the ones that come out of the discussions with outside organisations like the usual suspects, and some others. There's also the political imperative where Ministers are getting feedback from constituents and other MSPs – pressure through the political process where they...[MSPs]...had a very clear view about some amendments. And then the technical ones where the officials work out that something's wrong or there's a loop hole. That's the detailed policy process between officials, lawyers and Ministers and to some extent the outside organisations like the professional bodies [Respondent 16].

#### *General Reflections of Civil Servants on the Legislative Process*

The inclusion of interest groups in the consultative process helped to reduce unpredictability and this was born out of a desire to control what respondent 18 felt was an uncertain policy process. The comments from the senior member of the Development Department are worth quoting at length because they raise a number of interesting points about how the legislative process is managed, some of which I will return to in chapter nine. He stated:

...well the first thing is to try and understand what these groups are actually trying to say, so you can brief the Minister and you need to know what sort of things are likely to be raised during the parliamentary process so first of all you have got to have a process of trying to understand what these groups are actually saying. That means a process of dialogue with them and of course in the Homelessness Task Force we managed to achieve that by actually having representatives from...[organisation 27 and 28]...and the other organisations on the Task Force. We were able to have a debate with them about these issues before you got into Parliament. You are able to think through – the vital thing is to think these things through in advance and to make sure that you understand the implications and that it fits within a coherent policy package. If you are quote ambushed at the last moment with a proposal that you haven't really thought about then this may have all manner of unintended consequences and they may not be deliverable and the Minister may be faced with a quite difficult position with her colleagues in the Executive. So I think the key thing is try to make sure that you have had a debate beforehand with the interest groups who are likely to raise issues and that you understand where they are coming from and that you are able to advise the Minister on whether it would be sensible to meet some of those requests or not [Respondent 18].

This official did not like unpredictability and made numerous references to this throughout the aforementioned excerpt. He had experience of working at Whitehall and was keen to offer a number of comparisons between Westminster and Holyrood throughout our interview. Essentially, he felt the legislative process in Scotland was harder to predict and control, although this was not necessarily a bad thing for the quality of parliamentary debate. Commenting on the committee system he noted:

...so we had a committee in which the Executive - well first of all with comparison with Westminster - we have a situation where the Minister can't actually vote for the amendments which in comparison is a rather strange and unusual situation and where you've got three Labour MSPs and as you know you have got two SNP, one Liberal Democrat and one Conservative - so in comparison with Westminster where you will go along and the whip will come on and they will vote and it was very very rare that there was any great difficulty. But here you have to put a rational case forward. I felt there was a more rational process. In Westminster you will get a situation where the Government expresses one view and the opposition express another view and then you just vote and there isn't really any process of dialogue and there isn't really any need for the Government to do much convincing or persuading [Respondent 18].

The senior member of the Development Department told me "an enormous amount of work" had been undertaken by the Executive before stage two of the committee proceedings, so much so, that:

...MSPs did find it difficult to find angles to probe and attack [Respondent 18].

The amount of preparation not only served to strengthen the Executive's case over counter arguments put forward by MSPs, but such preparation was also seen to be essential since the process at Holyrood did not provide the same level of checks and balances as Westminster and was thus not subject to the same level of scrutiny. For instance, the civil servant noted:

...at Westminster you have a process at the Commons where you have the committee stage then you go to the report stage then you go to the third reading and then you go to the Lords and then you go through the whole process again...but in the Scottish Parliament there are really only two points where you can actually do that - you have the committee stage and the final stage...In terms of getting the legislation right and worrying about if things emerge subsequently that haven't been done properly you may actually be opening the door to things that you didn't actually intend or have significant consequences [Respondent 18].

Therefore, did the civil servant believe the legislative process in Scotland produced a better piece of legislation in comparison to the process at Westminster? He replied:

...I don't think we necessarily did. I don't think we produced a better piece of quality legislation. I think because the arithmetic as it was...we needed to get the Bill sorted out and our thinking sorted out in advance very carefully and because it was a new process for us we needed to get things sorted out and we needed to plan and carefully think. There was this long lead in process and I think we could have been a bit more cavalier like the Westminster type process and we had to do a lot more work because of the arithmetic in the committee in terms of talking to people and in terms of listening to people and when we could sensibly make amendments without damaging the central purpose of the Bill [Respondent 18].

Control, predictability and planning was one of the recurring themes throughout this interview. The mechanics of the legislative process, and the dynamics operating in the committee system, meant civil servants and Ministers were not as "cavalier" or as confident in pushing through their legislative agenda in its entirety if faced with stiff opposition. As a consequence, MSPs could benefit from the arithmetic in the committees and, if they so wished, use such bargaining power to their advantage. The evidence provided in chapter nine suggests Labour and Liberal Democrat MSPs on the Social Justice Committee did just this in order to modify policy details to some effect.

Respondent 16 also had experience of working at Westminster and like respondent 18 viewed the legislative processes at Westminster and Holyrood differently. In particular, he viewed the pre-legislative consultation stage in Scotland more positively than the consultation process at Westminster, reflecting:

...I came up from Whitehall before I came here and it's a very different ethos - much more open process. There wouldn't have been as much meetings between officials and outside organisations. We wouldn't have gone out to organisations [Respondent 16].

He added:

...it would have much more been a question of outside organisations putting in their piece of paper saying 'we want X,Y and Z' and officials deciding what was sensible and maybe going back and discussing one or two bits with them, but largely taking that document and discussing it with Ministers. Very much more a formal process [Respondent 16].

This was viewed in contrast to the:

...relative informality of the...[Scottish]...process...[where there was]...a lot of informal discussion [Respondent 16].

As discussed earlier, some organisations offered their draft responses to civil servants, which worked to the advantage of both groups and officials. Organisations could benefit from an earlier access point, while civil servants could similarly anticipate the need for change to part of the draft Bill or alternatively could organise a plan of action to argue the case for retaining the status quo contained in the original proposal. Civil servants also spoke at various seminars:

...some of which we've...[the civil servants]...organised, some of which have been organised by...[group 27, 23 and 24]...I'm giving a talk there tomorrow just explaining the proposals of the Bill so that we can listen to what groups have to say about it [Respondent 15].

As discussed in chapter five many groups enjoyed informal and frequent access to civil servants which took the form of 'phone calls and emails, sometimes on a daily basis in order to get clarification on policy details or to suggest technical changes. One civil servant believed that from an interest group's point of view, access to an official was more beneficial than a meeting with a Minister since:

...we can have more conversations, you can ask fairly blunt questions and we can give fairly open answers. We can say that something's likely or not or she's...[referring to the Minister]...more likely to think this. Whereas the Minister, if she's asked a question, she's more likely to say 'I'll think about it' [Respondent 17].

Some organisations would have preferred to have made direct contact with the Minister as opposed to dealing with officials. This was not a personal reflection on them, but simply a belief (rightly or wrongly) that ultimately it was the Minister who could sanction some of the more radical legislative changes. For instance, as we will see in chapter nine, the representative from organisation 24 felt it was his meeting with the Minister shortly before stage two which won his organisation a number of concessions regarding the right to buy. As the representative noted:

...I think we just spent a few many days or weeks too long with the civil servants. And when we went to Ministers we got more of an ear...but that's a lesson for the future...if you look at

it now you could argue that there were certain issues on which civil servants purported to be representing the views of Ministers and that's what they're paid to do, but they weren't [Respondent 24a].

The representative from organisation 36 also felt her discussions with civil servants had been unproductive. As will be explained in chapter nine, group 36 was lobbying for a change in the draft legislation from a statutory right to tenant consultation to a statutory right to tenant participation. This group was "at odds" with civil servants and ended up by-passing the officials and successfully persuading a Labour MSP (who contacted the Social Justice Minister) to table an amendment. The representative commented:

...I would say that the civil servants led the race but were kicked in the butt at the end by the Minister [Respondent 36].

I put these points regarding the gate-keeping role civil servants are often accused of, to respondent 17 who replied:

...the civil servants can only be gatekeepers to the degree that the Minister wants them to be gatekeepers and effectively they pretend that civil servants don't brief or tell them and sometimes they play games...within a few weeks or a few months they...[the Ministers]... should be getting the service that they want. They may not say that's what they want but they get what they want [Respondent 17].

This same civil servant did, however, go on to praise the Ministerial team he was working for at the time, noting:

...it's very rare that you would go to a meeting and she...[referring to Jackie Baillie]...hadn't in fact read all the papers. That's quite different from other Ministers. Equally Margaret... [Curran]...gives very careful consideration...in terms of the political dimension of what's happening...which is very much on their side of the patch, but...[she asks]...lots of questions about what and how something actually works. So an impressive Ministerial team, more so than others [Respondent 17].

Finally, one further area two out of four civil servants reflected on was with regard to equalities issues and mainstreaming. They approached the subject from different perspectives; one believed equalities issues and, more generally, equalities groups, had not been sufficiently consulted, while the other thought interest groups and MSPs had misinterpreted the concept of mainstreaming. Respondent 16 reflected:

...if I did the whole process again I would have built in more consultation and better consultation with some of the equalities and equal opportunities groups earlier and I would have done more in terms of children. There is a lot of warm words or harsh words, even, about it, but it is very difficult to get to grips with what equality means in detail and I'm not satisfied that we really cracked that one [Respondent 16].

His colleague felt differently. The head of one of the housing divisions had a remit to focus on specific areas of legislation, one of which dealt with equality. This civil servant seemed exhausted by the repeated demands interest groups and MSPs were making; both sets of players insisting that

reference to equal opportunities were made throughout the Housing Bill. Respondent 17 believed this was unnecessary and reflected on a previous piece of legislation he had dealt with, noting:

...I recall the argument we had on the rights of a child to education when we were put on the Education Bill and we were under a lot of pressure to include the right of the child irrespective of race or sex or la la la and to demonstrate it was all children. But it was quite clearly all children so adding all these things simply produced a list of what different categories any individual might fit into, but didn't actually make it in any way more equality proof than it was when it began. I think we've seen this again with parts of the Housing Bill where simply each opportunity is taken to write in 'take account of equal opportunities'. They were basically saying 'remember to obey the law that already applies to you' [Respondent 17].

This contrasts with the view of many of the equalities groups such as organisations 44, 50 and 53 who were more than happy to see reference in the draft Bill to rights for cohabiting partners, same sex partners and so on. These groups, like many others, were concerned that too much of the detail of the Bill was being left out and 'devolved' to secondary legislation or guidance. The Executive's position was that the Bill was a framework Bill and as such it was perfectly acceptable for policy details to be left to guidance or secondary legislation. The Housing Act finally contained one overarching equalities statement which was comprehensive enough to please the equalities groups while being concise enough for the civil servant. He reflected:

...it means that the Bill is probably twenty pages shorter and that exactly the same rights and responsibilities are there [Respondent 17].

### *Conclusion*

Civil servants involved in the pre-legislative stage had no problem identifying the key players and these groups correspond to the organisations I identified in chapter five as 'Core' or 'Specialist' Insiders. However, in contrast to the study by Whiteley and Winyard (1987:132) civil servants did not favour promotional groups over representational ones; rather they conflated the two. Civil servants corroborated the accounts of these 'insider groups' who claimed they had enjoyed regular access to civil servants in an informal capacity. Moreover, civil servants were more inclined to listen to arguments put forward by interest groups that were 'coherent', 'rational', and 'articulately presented', although they were keen to point out that despite this propensity to gravitate towards these responses they did nonetheless undertake a diverse and wide ranging consultation exercise. In other words, most officials valued the resource of knowledge and technical know-how principal groups could offer, while being equally aware (and keen to point out) the benefits of casting the consultative net as widely as possible.

For those who had worked at Westminster (three out of the four officials) the legislative process in Scotland was very different, whether that was in relation to the pre-legislative stage, dealing with the composition of the committee structure in that no one party had a majority, or the lack of a second revising chamber. Finally, the interviews, especially with respondent 18 provided an insight into the



intense planning and organisation that takes place. Potential avenues of conflict and opposition by interest groups and MSPs were anticipated, some of which transpired, while others like the expected opposition to Scottish Homes becoming an Executive Agency did not: “it was very much a dog that didn’t bark” [Respondent 17]. The ultimate point of such pre-organisation and forethought of potential areas of conflict was so that:

...the Minister...[could]...get her Bill through relatively unscathed [Respondent 18].

## Chapter 8

### *Evidence Taking and the Writing of the Stage One Report*

#### *Introduction*

This chapter will examine the Social Justice Committee's evidence taking stage which precedes the stage one debate in the plenary session. The discussion will focus on which organisations were invited to give evidence to the committee and how this was decided. Reflections from representatives of interest groups towards the evidence taking stage will also be considered, as will the processes and political considerations involved in the writing of the stage one report.

An analysis of the role of committees is vital to any study of the legislative process in Scotland given the powers invested in committees to initiate, scrutinise and amend Executive legislation (*Scottish Office, 1999:5*). While it is only the committee's evidence taking role which will be explored here, chapter nine will examine its scrutinising function in its line by line consideration of the Housing Bill at stage two. High expectations were placed on the committees early on in the lifetime of the Scottish Parliament "to be the real powerhouse of the Parliament" (*Observer, 18th July '99*) and the accounts to follow, both here and in chapter nine, will go some way to assess the extent to which the reality matches these expectations.

#### *Deciding who will give evidence*

Four committees scrutinised the Housing (Scotland) Bill headed by the Social Justice Committee, which was designated lead committee. The others included the Local Government, Equal Opportunities and Subordinate Legislation Committees. The committees spent twenty two sittings taking evidence from 13 September 2000 to 14 February 2001. In total thirty-one organised interests gave oral evidence to one or more of three committees involved in the evidence taking stage. This included groups representing professional housing bodies, voluntary organisations, tenants' groups, equalities groups and church organisations. In addition, six councils, three lenders and numerous professional bodies and one non-departmental public body, Scottish Homes, gave evidence. Over the course of stage one of the committee proceedings, CoSLA and Shelter Scotland each gave evidence three times, while the Council of Mortgage Lenders, Scottish Homes, Age Concern Scotland and the Scottish Council for Single Homeless all gave evidence twice<sup>34</sup>.

A variety of methods were employed in order to help the committee decide which interest groups and experts would be invited to present oral evidence. One MSP who sat on the Social Justice Committee explained the process:

...the committee used a number of avenues. The clerk put out a call for interested

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<sup>34</sup>For a table detailing who was invited to give evidence to the committees see Appendix K.

organisations who would be interested in the Housing Bill which was published in national newspapers and also appeared on the Parliament's web site. Interested bodies could then write and notify the committee on whether they wanted to make a written or oral submission [Respondent 3].

The same respondent explained:

...from those who noted an interest the clerk would make an entire list and then we would look at it. They would make recommendations about who they thought would give us across the spectrum and range of views on the Housing Bill and members had an opportunity to add organisations that they were aware of. Individual MSPs are also aware of organisations operating within their constituency [Respondent 3].

Another MSP reiterated this:

...clerks would recommend who we saw. We added a few people in. The Trades Unions weren't going to be in but I suggested that they should be. And we wanted to get a wide spread. [Respondent 11].

Therefore, a desire for inclusivity and for casting the consultative net as widely as possible existed. MSPs were involved in recommending who would give evidence which reflected both political and constituency pressures, while the role of the clerk in managing the evidence taking stage was pivotal.

As an official on the committee explained:

...sometimes they...[the MSPs]...come up with their own ideas about who they want...I do my best to fit them in and there are times though when you have to say no and sometimes there are arguments at committee about that. It is quite a controversial area about who to invite [Respondent 19].

The political underpinnings behind the selection process were also highlighted by one MSP on the committee who thought that:

...the process of who is selected to come to the committee is always in the hands of the Executive parties [Respondent 8].

Political considerations were counterbalanced by the decision of clerks to rely on the expertise of the Scottish Parliament Information Centre to recommend who the "best people to give advice and information to the committee" were [Respondent 19]. One official from the Social Justice Committee noted:

...you always start off with the usual suspects. In the Housing Bill it's quite clear that it's the Chartered Institute, Shelter, The Council of Mortgage Lenders, big organisations like that, but because a lot of the Bill is about tenants, tenant participation, community involvement and empowerment we wanted to make sure that we had tenants in as well...There are two main pressures on you. One is to get the usual suspects in because they get miffed. Like if we didn't invite CoSLA in there would be a political scene about it. Secondly is trying to get things that aren't usual opinions and to actually get the real communities and the people actually living in those estates and all that stuff. And the balance there is between trying to keep the peace politically but also trying to get new and interesting evidence for the committee [Respondent 19].

The official juggled many considerations in the process of developing a list of groups and experts

which would be acceptable to all the stakeholders involved. By justifying his decisions and satisfying interested parties his selection process or exercise of power could be said to be legitimate. He ensured that the rules he employed in the selection process were justifiable and that his decisions were likely to be accepted by all (*Beetham, 1991:16-17*). Put another way, he was very aware of the necessity to include key groups; he recognised that political parties had their respective 'leanings' towards specific groups; was sensitive to the political nature of some organisations; and also demonstrated an understanding of the need to reach out and include groups which would be experts in their own right at the grass roots level. Reaching out to those groups who had in the past been 'outsiders' was welcomed. As one representative who gave evidence to the committee commented:

...in twenty five years we have been invited to Westminster once to do a presentation to a committee and that was just before the Scottish Parliament was launched and yet already this is the third time we have given evidence to the committees [Respondent 42].

This sense of 'reaching out' was reiterated by another respondent who told me:

...I welcome the fact the Parliament are asking people like ourselves who would never have been involved in the past and asking them to give evidence - no strings attached, just giving evidence which is great [Respondent 36].

Apart from relying on the expertise of SPICE and the recommendations from MSPs, informal contacts, networks and chance meetings also played a part. As a representative of a group providing services for disabled people colourfully noted:

...I'll tell you a wee story. I travel on the train from Motherwell to Edinburgh and you get to know the people on the train - it's the GNER service and I was chatting to one of the lads there - 'what do you do, where do you work?' and that kind of thing - and he's a clerk in the Scottish Parliament - and he said 'give me all your details and I'll pass them to the Equal Opportunities Committee and I'll put your information on the database and someone might be in touch'. And then I was asked to give evidence on the Housing Bill! [Respondent 46]

Utilising existing networks was also employed by an official from the Social Justice Committee who noted:

...there was a very successful scheme in Dundee...and we found out that by word of mouth really. There's not an awful lot of science involved in this [Respondent 19].

Informal contacts can prove advantageous if they are used to cast the consultative net wider than if one were to simply rely on a database of experts. An over reliance on personal contacts can, however, raise normative concerns. For example, in the process of selecting organisations to give evidence the official from the committee told me:

...so what I tended to do - the...[organisation 23]... in Scotland know everything that is going on...[respondent 23]...is their parliamentary officer and he's like a mate of mine as well. So we have off the record discussions and things like that and he'll say 'got to watch out for them because of this that and the other'...what...[respondent 23]...had done as well was that he set up an e-mail network. A Housing Bill network and there were about forty organisations signed up to that including the less obvious ones like Positive Action in Housing, Commission for Racial Equality, the Scottish Churches Housing, the councils and stuff like that and basically I could take my pick of them [Respondent 19].

As much as the use of this informal contact in helping the official to tap into a network of 'less obvious' groups was welcome, it also highlighted the possibility that if respondent 23 had had an alternative agenda then it could have been easy for him to pursue that agenda through his contact with this official. Respondent 23 made the official aware of the political nature of some groups and the ones "to watch out for". The exercise of power is therefore often not simply confined to the decision making process, but can take place within the immediate context of agenda setting in which significant issues can be filtered out and excluded from consideration before they even reach the decision making process (*Bachrach and Baratz, 1970:49*). Therefore, if these groups were lobbying for legislative change group 23 was opposed to, and these groups were not invited to give evidence based on the advice the official had received, then this respondent could potentially have steered the evidence taking stage to suit his organisation's purposes. Indeed, even 'Core Insiders' can feel threatened by the presence of other groups. As respondent 23 told me:

...it's not in our interests to have lots of small groups or a local authority like Glasgow in the process because it means that we can be cut out of things [Respondent 23a].

#### *Evidence Taking*

Interest groups were accorded varying degrees of credibility and legitimacy by MSPs which went along party lines. For example, there was a feeling among the SNP that while tenants' groups had been invited to give evidence to the Social Justice Committee, they had not been listened to favourably by Labour and the Liberal Democrats. As one opposition MSP noted:

...as time went on, I think you could see individual political parties had their preferences of which organisations they believed were representing the people. For instance, there were certain organisations from Glasgow who I believe represented the tenants' wishes regarding stock transfer - but these people weren't taken favourably by the Liberal/Labour Executive who saw them as having an agenda against housing stock transfer and weren't too keen to have them give evidence. They did give evidence once, but they weren't favourably received [Respondent 9].

Another opposition MSP similarly added:

...tenants' organisations came along and talked to us. Now how much heed the Executive... [parties]...paid to what was being said - well, I don't think enough weight was given to their evidence [Respondent 8].

Labour and Liberal Democrat members in response noted:

...there is a general issue about the representativeness of these federal groups...from a mish mash across the board of average tenants you end up with a clique of ex-communists and I mean that quite literally - so-called tenants representing at the national level [Respondent 1a].

Another MSP added:

...I think you'd have to look at the Scottish Tenants' Organisation, for example, and ask whether it's a grass roots organisation. You have to look if there's any grass growing. They don't represent the majority of the tenants. I don't think they're as representative as they claim...When it came to the Glasgow - the Campaign against Stock Transfer, or something like that, I really didn't give any weight to the evidence that they gave. Evidence that they produced from academics - you could have shot peas through it. It was so inaccurate about housing policy and again I think they're stuck in a time warp somewhere [Respondent 4].

One official from the Social Justice Committee also thought much the same, commenting:

...the group...[the Scottish Tenants' Organisation]...is vehemently against things like the right to buy and that's when it starts getting awkward for us because you need to find out before they turn up and give you dodgy evidence...The Scottish Tenants' Association I think is basically the SNP in housing terms. There's a lot of SNP members actually involved in that and they are against the right to buy - so it's a political non-political organisation, so you have to be careful. And if one of the SNP members on the committee said 'I want these people in', Labour members would say 'well, no because it's just an SNP stooge group'. Gets a bit dodgy [Respondent 19].

These comments reflect those of civil servants discussed in chapter seven. Interest groups can increase the likelihood of their requests and recommendations being seriously considered if they can demonstrate a degree of credibility and legitimacy and are believed to be genuinely representative. Similar criteria were employed by Labour and Liberal Democrat members on the committee who appeared to use them as exclusionary devices to disregard the comments of groups they might not have agreed with ideologically. As a member of the Social Justice Committee from one of the coalition parties reflected:

...I was singularly unimpressed by the evidence from the Scottish Tenants' Organisation and the Glasgow Tenants' Organisation which I thought was very poor quality and reflected a total lack of knowledge about things. And I think that out of all the people we heard evidence from theirs was undoubtedly the worst by far...I was most impressed by Scottish Homes...I found they had an independence of view, a sophisticated approach etc.[Respondent 1a].

Therefore, power was exercised both by the officials and committee members in terms of not only who would be included and excluded from the oral evidence taking stage, but also in terms of which groups' evidence would be taken more seriously and hence would be more likely to penetrate the decision making process. The way in which the key decision makers on the committee exercised such selectivity was legitimated according to a shared set of rules. For Beetham, it is only where power is acquired and exercised according to a set of justifiable rules that it can be called rightful and legitimate (1991:3). These rules, despite being used as exclusionary devices and to prohibit access to key resources, provide the subordinate with moral grounds for compliance or cooperation with the powerful (Beetham, 1991:16). In this instance, the committee members from the coalition parties disregarded the evidence from the tenants' movement by using criteria which could be justified by reference to shared beliefs. The rules of exclusion they employed, such as, claiming that some organisations were not representative and that they failed to provide sound evidence, legitimated the exercise of their power and the subsequent exclusion of the evidence from many tenants' groups from being genuinely considered in any policy modifications.

If MSPs could not agree which groups actually represented the people who would be directly affected by the legislation, would they at least concur about whether their evidence taking was wide ranging and had effectively targeted groups, other than the usual suspects? The answer is no. One opposition member on the committee commented:



...now I think that we did consult widely enough. Not only did we take considerable evidence but there was considerable written evidence submitted by authorities and by individuals and so on [Respondent 7].

A member of the Labour/Liberal Democrat group reflected:

...I think we've made a reasonable effort to try and get at people with relevant information right across the board. Or people with an interest even if arguably they don't have all that much information to give us [Respondent 1].

Respondent 1 reiterated the breadth of consultation in a follow up interview. However, unlike the first interview where he implied that consulting with some groups had been tokenistic, in a later interview he was not so dismissive towards these 'outsiders'. He told me:

...by the time we'd finished with it all we'd actually seen someone like Scottish Homes three or four times or something and I think it was a fairly well consulted Bill...One of the things which we wanted to make sure we got was not just the sanitised version that say the Scottish Federation of Housing Associations were giving or the Chartered Institute of Housing but also the flavour of what was happening in the individual housing associations and what their views were [Respondent 1a].

However, some of his committee colleagues disagreed. One Labour member implicitly acknowledged their tendency to be drawn towards those groups who employed the 'sophisticated approach' desired by civil servants, telling me:

...I would have liked to have done more at the local level...to meet with groups before stage one so I've got not just the formal lobby organisations but also the more localised view..I think it would have been nice to be more sensitive to the less organised voices because I did think at one point that the whole debate on the right to buy was going to be entirely determined by what the SFHA were saying [Respondent 2].

One SNP member agreed:

...I felt that the people themselves, the people who are going to be affected by the Housing Bill, weren't consulted as much..I do think we tended to consult the big agencies more than we should have consulted the actual tenants - the people who were going to be affected by the Housing Bill [Respondent 9].

Another similarly noted:

...by the time it came to organisations giving evidence - hardly anyone had time to consult with local people on the detail of the Bill - I think that was a flaw in the process [Respondent 8].

The timescale throughout the legislative process was problematic. In particular, the period of time between the publication of the consultation document and the publication of the Bill (five months), and also the time between the publication of the Bill and the start of the evidence taking sessions (three weeks) was believed to be insufficient. A committee member succinctly sets the scene:

...we knew the Bill was coming but didn't know when. And we'd cleared the decks for the Autumn because we expected to have the Bill published in the summer because that's what we had been promised by the Minister and of course it hadn't arrived so there was actually quite a bit of a hole in the agenda. So what we did do, in anticipation - the consultation document itself had been issued or was issued during the course of what we were doing, so what we decided to do was to take people's views on that and also anything they said could be used later on as part of the stage one evidence when we finally saw the Bill [Respondent

11].

The same MSP added:

...the Bill was then published. That was probably the December period. And of course publishing just before a recess, I don't think was very open and accessible etc., because effectively it meant we lost three weeks of evidence taking so we ended up with the standard being about six to eight weeks [Respondent 11].

A member of the Labour/Liberal Democrat group who sat on the committee reflected:

...we knew that there would be a relatively tightish timescale. We began taking evidence therefore in advance of the Bill itself which is not ideal to be honest [Respondent 1a].

There were concerns a committee could start taking evidence based on a consultation document as opposed to a Bill while the Executive was still undertaking its formal pre-legislative consultation exercise in preparation for drafting the Bill. The committee was, however, also taking a proactive role in the gathering of evidence by maximising the number of organisations it could take evidence from. This worked to the advantage of one organisation invited to give evidence before the Bill was published, as the representative reflected:

...we were surprised that the Social Inclusion Committee took its evidence in advance of the publication of the Bill but actually that was a benefit to us because the Bill wasn't published until right before Christmas. The evidence taking they could do was limited to a couple of months or less and I don't think we would have got a look in [Respondent 29a].

Despite the Social Justice Committee taking this proactive approach, there was a feeling among opposition MSPs there had not been sufficient time. One commented:

...the Housing Bill was pushed through very quickly. I don't think it was given enough time [Respondent 9]

and another noted:

...after the Bill was published there was very little time for evidence taking and in particular because the Bill was published immediately prior to Christmas. None of the organisations would have met over that period and by the time it came to organisations giving evidence - hardly anyone had time to consult with local people on the detail of the Bill [Respondent 8].

The timescale was also a problem for interest groups. One group was invited to the first evidence taking session in January after the Bill was published and noted:

...we had a week to look at the Bill before we gave evidence on it. How do you deal with stuff that lawyers have difficulty with? [Respondent 35]

Another respondent felt the same:

...the draft Bill had just been produced, what prior to Christmas? - yes, 18<sup>th</sup> December - to expect any community or tenant representative from the 18<sup>th</sup> December to January...they didn't give the community reps long enough [Respondent 36].

#### *Giving Evidence - the Interest Groups' Perspective*

We have looked at how the parliamentarians viewed the evidence taking sessions and the mechanisms they employed in the selection process and the ways in which they justified decisions, but what did the

interest groups think? Some MSPs felt they had not adequately targeted local people, but did interest groups feel the same? And some MSPs were critical of the evidence presented by interest groups and their claim to be representative, but were interest groups just as critical of MSPs and more importantly did they feel giving evidence was worthwhile?

Interestingly, the data suggest that some MSPs were being more self critical than the interest groups were regarding whether or not the committee had successfully targeted those other than the usual suspects. Only one respondent from an interest group felt committee members could have done more, stating:

...it was quite difficult for organisations who weren't initially identified as housing concerns to get into the process...[such as]...The Scottish Gypsies Travellers Association [Respondent 54].

This comment was not, however, typical of the wider feeling among the housing lobby, and excerpts from interviews with groups who had previous experience of being excluded from the consultative and wider policy making process make this point more compelling. For instance, one noted

...the evidence in relation to the Housing Bill is that it has worked...I do think they...[the committee]...have gone out of their way to get people to give presentations [Respondent 42].

And one local tenants' group talked positively about his experience of giving evidence:

...I was...quite delighted at the opportunity to go up there and give my views. You know, you get a good opportunity. I think I must have spoken for about twenty minutes to them and then another twenty to twenty five minutes answering questions. I just couldn't imagine that happening at Westminster. It just wouldn't [Respondent 34].

Another representative alluded to the broad range of individuals who had been invited along to the same evidence session as herself, while observing a difference between those who employed a sophisticated versus less organised approach, telling me:

...I went along to the Social Justice Committee...I quite enjoyed it actually...I think the clerks are very helpful. It certainly wasn't as formal as I expected, but I'm used to speaking in front of groups, but I think the tenants reps that were invited were just so not prepared for the meeting. There was one...I'm not sure why she was invited and I'm not sure she was herself! Which I thought was a bit unfortunate [Respondent 36].

One further recurring theme was the extent to which MSPs were perceived by representatives of interest groups to be well informed in the subject area and, linked to this, the quality of their questioning. One representative commented:

...well they...[the MSPs]...certainly had informed questions [Respondent 34].

Other respondents took a different view and one was especially critical, reflecting:

...some of the politicians were aware that a bit of research had been done, but they just hadn't read it...The questions that we were asked were basic -very, very basic...I would say that on the day it was pretty clear that they didn't really know what was in our research and it was clear that they didn't really comprehend what was in the draft Bill...The first mistake that they made is that...[organisation 36]...is not a tenants association - we are a training body and, if I said that once, I said that a hundred times. [Respondent 36].

Another noted:

...it was quite a strange experience giving evidence...and it was really quite - well it was in the early days so it may have settled down a bit but obviously the researchers of the MSPs had given them a list of questions that they might want to ask. But you would sit there and somebody would ask three questions, such as, 'what do you think about the future of housing associations in Scotland'? And then two other completely different huge areas - just like - bang, bang, bang - where do you start? Can you remind me of the other two questions if I lose track somewhere through this? [Respondent 28].

One respondent raised further concerns regarding the nature of the discussions during the evidence taking sessions and called into question the effectiveness of the process, telling me:

...I'm not sure that the committee got an awful lot out of the evidence taking sessions. I think that a few issues were flagged up but it was the process - the MSPs were often informing themselves about the process. It was an explanation instead of 'well this is what we'd like changed and this is our proposal'. For me it was more like a briefing session. When we gave evidence there were quite a few questions about the Bill which were asked on the basis of MSPs not understanding the Bill [Respondent 23a].

These criticisms raise questions regarding the precise role of committee members and how much technical knowledge should be expected of them. The clerk developed questions for the committee members to ask and while they were free to develop their own, they relied heavily on his prepared ones [Respondent 19]. This highlights the MSPs' dependence on experts, whether that is the expertise of professionals and civic groups or the expertise of committee clerks and SPICE. This gave both interest groups and experts the possibility to set the agenda, or alternatively keep certain things off the agenda (*Bachrach and Baratz, 1962:948*). As one of the officials to the committee acknowledged:

...it's quite frightening because they rely on you so much because they obviously have a lot of constituency work, political work to do and the committee is not always their first priority. So they'll just rely on you for everything and just take your advice on everything...If I had a particular axe to grind then I could just steer it on to my own agenda [Respondent 19].

One reason for these less than impressive comments towards MSPs could be linked to the changing composition and downsizing of the committee. In January 2001 the Social Justice Committee was reduced from eleven members to seven which is a point worth noting bearing in mind the then Social Inclusion, Housing and Voluntary Sector Committee had already overseen eight evidence sessions jointly relating to three housing Bills, one being the consultation document on the Executive's housing proposals. Of the seven MSPs who sat on the Social Justice Committee during the passage of the Bill, only four were original members. The change in membership and size of the committee was noted by a small number of respondents. As one representative from an interest group reflected:

...if the reason were that having committees of seven instead of eleven meant that each MSP only had to go on one then I could understand it because a lot are on two as you know, but I'm not aware that that is in fact the reason. I think it's a case of making them simply more trimmed and manageable...There are one or two Labour MSPs who will remain on the committee who are...a waste of space. They are 'yes' people and people like Karen Whitefield and Cathie Craigie and they're not going to object to anything in the next six months. And in fact the two people who are most likely to oppose a view are the two who are going...John McAllion and Mike Watson...I'm so disappointed that before it's barely got going it's been changed [Respondent 24].

The political motivations behind the changing membership of the committee may have been rooted in

what had earlier taken place in the housing stock transfer inquiry. A special advisor to the committee told me that stock transfer:

...was a big issue politically and the SNP were not prepared to say certain things and some Labour members were bloody determined that that's exactly what the committee report was going to say, so of course they were going to hit head on...and they voted along party lines... [although]...John...[MacAllion]...mostly voted with the SNP...though this was all in private [Respondent 22].

The political impetus driving the changes to the size and membership of the committees was noted by two MSPs who sat on the Social Justice Committee. One felt:

...the changing membership of the committee which changed in advance of the Bill...[was]... quite clearly a sign that there was going to be no embarrassment for the Executive [Respondent 8].

While another, commenting on the partisan nature of the debate at stage two believed:

we got more through when we had the likes of Alex Neil and Mike Watson and John McAllion on the committee where there was a broader range of views [Respondent 1a].

The changing composition of the committee, which has again changed since the passage of the Housing Bill, undermined the role of committee members by not giving them due time and opportunity to develop expertise in particular policy areas. This would equip them with the technical know-how and knowledge to more effectively scrutinise Executive legislation (albeit this might be the very reason such changes have taken place) while also making them less reliant on organised interests' take on events. As one MSP on the Equal Opportunities Committee conceded:

...we're heavily reliant on organisations pointing out where there are problems in legislation. As committee members we don't necessarily see where the problems are [Respondent 5].

#### *The Stage One Report*

On the 14th of March 2001 the Social Justice Committee recommended to the Parliament that it accept the general principles of the Housing (Scotland) Bill, accompanied by a small number of the committee's own requests and recommendations. These recommendations will be outlined in a moment, alongside attitudes of interest groups regarding whether or not they had been successful in persuading the committee to address some of their respective concerns. Before focusing on the outcome, the processes involved in writing the stage one report will first be considered. An official from the committee explained the process:

...I started writing it...[the stage one report]...before we started taking evidence to be honest...because I had the structure for my report...[this]...enabled me to structure the evidence in a way which meant I could write up the report as I went along...The problem with the stage one report is that you could turn it into a repeat of the Bill and go far too much into detail which is what stage two is about. Stage one is about the general principles even although I couldn't keep them...[the MSPs]...away from some specific recommendations but that's just politics really [Respondent 19].

He added:

...and so you write the report and what we did was we had a private session where I just said

to the committee 'okay you know basically what's going to be in the report, what are the political points you want to make?' and let's have that argument sort of now. And then, talking about right to buy - 'we don't agree with it' - 'we do', blah, blah, blah. 'Let's not put that in', blah, blah, blah. So I went away basically with this confused message from the committee, trying to turn it into what I think they're trying to say and what I think there's a good chance of the committee agreeing to [Respondent 19].

Two committee members offered their comments. One thought Labour members on the committee had received instructions from the Executive on how to amend the draft Bill. He told me:

...at stage one I found it enlightening to watch two Labour members in the committee pass the crib sheet back and forth between themselves regarding the amendments at stage one [Respondent 8].

Political considerations were also alluded to by a special advisor to the committee during the writing up of an earlier inquiry into stock transfer. The clerk and the special advisor had drafted the report but it required modification. The respondent reflected:

...we met up with Margaret...[Curran, the then convener]...and Margaret was saying that the report was not saying the right kinds of things for a Labour dominated group. We needed to be more accommodating to the Minister for the Minister to listen to what the committee was saying [Respondent 22].

From another committee member's point of view (with regard to the general principles of the Bill and not the inquiry) it was the SNP who were creating difficulties. The MSP noted:

...the SNP went along with the bulk of the Bill and gave constructive contributions by and large to a great many aspects of it. But they were totally opposed to a number of aspects of the Bill. They didn't want it going any further particularly on the right to buy and stock transfer. They did to some extent at that stage attempt to play a slightly dangerous policy of destroying the whole thing [Respondent 7].

The differing political ideologies of the parties led, unsurprisingly, to disagreement within the committee regarding what recommendations and requests they would make as a group to both the Parliament and Executive. This is, to an extent, borne out in the stage one report where it states:

...[t]he committee acknowledges that the issue of the right to buy is one such right which required unifying in some way. Some members of the committee remain opposed to the principle of the extension of the right to buy. The committee is cognisant of the fact that this report is based upon the general principles of the Bill. However, it feels that the concerns heard at stage one do need to be considered (*Social Justice Committee, 2001b:12*).

There are a number of areas in the report where the committee flagged up concerns and made requests or recommendations. The committee noted the absence of child proofing in the Housing Bill which is used to ascertain the impact of any Bill's provisions on children (*Social Justice Committee, 2001b:3*). The committee also noted that fuel poverty was absent from the consultation document. The report stated:

...[t]he committee welcomes the Executive's response to this point...[the Minister made a commitment while previously giving evidence to the committee to place measures in the Bill regarding fuel poverty at stage two]...and urges that the opportunity to address one of



Scotland's most difficult social problems is not wasted. The committee will take careful note of the amendments once lodged (*Social Justice Committee, 2001b:5*).

The report also expressed concerns regarding the proposed modernised right to buy stating:

...that further consideration should be given by the Executive to the maximum discount level...[and]...that the Executive should further consider the mechanisms by which capping levels will be reviewed (*Social Justice Committee, 2001b:13*).

These recommendations were indicators to the housing lobby that there was potential room for manoeuvre in a number of policy areas in later legislative phases, while also demonstrating to those which had given evidence that MSPs were listening. As one MSP explained:

...if you look at the stage one report you can see that groups did have an influence and their views were taken on board by the committee and we didn't just rubber stamp the Bill at stage one. We flagged up a number of areas like the right to buy and fuel poverty [Respondent 3].

Another MSP from the Equal Opportunities Committee also stressed both the input interest groups had enjoyed as well as the way in which her committee had successfully pushed the Executive in a number of areas, telling me:

...as a committee we were able to persuade the Executive to accept an overarching equalities statement which puts a duty on social landlords to have regard for Equal Opportunities which is actually quite a big thing. That wasn't in the consultation document...I think a lot of the input has been from organisations as well as committee members like the Commission for Racial Equality, Equality Network, Equal Opportunities Committee and tenants' groups. So I think it's a good example of how organisations and individuals can be involved in shaping legislation [Respondent 5].

Some interest groups were less convinced by the contents of the stage one report and one especially was critical, explaining:

...I don't think that the evidence sessions worked. The purpose of them was for people to influence the legislative process - to make an argument for taking something out or for putting something in and I'm not sure if that worked very well [Respondent 23a].

Another took a more pragmatic view:

...I felt they listened. You don't expect every dot and comma to be accepted or taken on board, but they seemed interested and there were main themes where our views were listened...[to] [Respondent 28]

before intentionally or unintentionally going on to undermine the committee stage, adding:

...if you are very serious about getting something adopted it will be a matter of discussions with civil servants in advance, letting the Minister know the kind of amendment you are going to ask to be put down, or perhaps getting someone from the Executive side to put down the amendment so that it gets sympathetic treatment [Respondent 28].

For the key groups, the evidence taking stage was not viewed as being especially influential compared with the pre-legislative phase or stage two. As one respondent summed up "you influence what goes into a Bill or at worst what goes into an amendment" [Respondent 24a]. However, for those groups that did not routinely have access points to officials or parliamentarians, the opportunity to present evidence was welcomed. One representative explained that giving evidence had been a kind of 'spring

board' helping identify sympathetic MSPs, telling me:

...what happened after the Social Justice Committee...well, Cathie Craigie and Karen Whitefield asked for a meeting and so I briefed them...I knew that I would only have a short period of time to flag up to them basically that we were at odds in a sense with the civil servants [Respondent 36].

This meeting proved fruitful, with Cathie Craigie eventually laying down an amendment at stage two (which had been drawn up by the Executive) with the support of this particular group. This will be explored further in chapter nine; suffice to say, that this is one example where giving evidence to a committee proved worthwhile.

One further group also expressed delight that the:

...Social Justice Committee mention[ed]...the lack of child proofing in their stage one report [Respondent 47].

Children's interests had previously been overlooked by the Executive in both the consultation document and in their own consultative mechanisms. As mentioned previously in chapter seven, the Housing Bill team manager acknowledged this oversight.

Another respondent felt committee members had been more responsive than civil servants and this ties into previous points made in chapter five where MSPs recognised the expertise of some groups which civil servants had not. As representative 39 explained:

...what we felt was that when we raised the issues with the Parliamentary committees there was a clearer understanding within the Parliamentary committees who recognised that the issues we were raising needed to be explored, but that wasn't coming across from the civil servants. The Parliamentary committees were willing to scrutinise those issues a little more [Respondent 39].

Linked to this and in keeping with the evidence presented in chapter five, one of the equalities groups was especially complimentary about the Equal Opportunities Committee, commenting:

...the Equal Opportunities Committee produced its report. It's quite good. They certainly picked up on some of the points that we made and also the stuff on harassment that Positive Action in Housing had made and their number one recommendation was that there should be an overarching section in the Bill putting a duty on Ministers to promote equality of opportunity...The Equal Opportunities Committee certainly listened to what we said and what other equalities organisations said and this was picked up in their stage one report [Respondent 53].

One representative, however, was wary of the reliability there was in linking a recommendation that had been made by the committee in its stage one report to a particular issue an organisation had been lobbying for. The representative's cynicism is in itself revealing:

...I almost feel that they have always known how far they were going to go. They have given it to us in little bits so that every stage in the process we feel as if we have achieved something [Respondent 42]

### *Conclusion*

Deciding who would be invited to give evidence was based on a number of, often competing, considerations. There were real attempts on the part of both the clerks and MSPs to engage with the people who would be directly affected by the legislation and there was a genuine sense of 'reaching out' to those that might otherwise be excluded. Labour and Liberal Democrat members on the committee were, however, dismissive of some of these very groups they were trying to reach out to. These groups representing the tenants' movement were regarded by these MSPs as not being especially representative and providing poor quality evidence and such selectivity was legitimated because the exclusionary devices they employed reflected commonly held norms or beliefs. The SNP felt the evidence provided by these groups was received less favourably by Labour and Liberal Democrat members because they were ideologically opposed to the Executive's position on both stock transfer and the extension of the right to buy. That said, the evidence provided by groups representing disabled people, ethnic minorities, children's interests and sexual equalities issues did feed into the stage one report, unlike similar representations these very groups had earlier made to the Executive's consultation exercise. The committee's stage one report proposed to the Parliament that it accept the general principles of the Housing Bill accompanied by a number of recommendations and while the report was partly the product of the evidence taking sessions it also reflected the wider political considerations of MSPs.

## Chapter 9

### *Stages One, Two and Three of the Legislative Process*

#### *Introduction*

This chapter will track and explore the Housing Bill's journey through stages one, two and three of the legislative process. During stage one MSPs accept or reject the general principles of a Bill, at stage two committee members scrutinise and propose detailed amendments to Bills, while stage three provides MSPs with the further opportunity to suggest additional amendments and approve the final Bill.

The first part of this chapter, focusing on stage one, will draw heavily on the Official Report in order to provide an insight into the nature of the exchanges on the floor of the Parliament. I will also draw upon my own experience of observing stage one from the public gallery and compare this with a small number of interviews. Unlike earlier chapters, I have very little interview data on stages one and three. This is partly born out of a tendency among many of the interviewees to eliminate or pay only lip-service to these stages when reflecting on their own involvement and attitudes towards the policy process. This, in itself, is interesting and something we will return to later. That said, most of the sixty four interviews I undertook were conducted at various times throughout the legislative process and not necessarily once the process was complete. Hence, the lack of interview data with regard to stage three is also attributable to the timing of the interviews. This contrasts starkly with the analysis regarding stage two which is drawn largely from the interview data.

#### *The Stage One Debate*

The stage one debate took place on 14 March 2001 and lasted approximately two hours and ten minutes. At the end of the debate the parliamentarians accepted the general principles of the Bill without a vote. This should not necessarily lead us to conclude that there was agreement across political parties on the entire contents of the Bill. Nor should we suppose that the debate was free from politicking. There were, nevertheless, two main areas of agreement, one negative and one positive.

The first point relates, not to the principles of the Bill, but to the length of time allocated to the Parliament to debate stage one. There was cross-party consensus that the time allocated to discuss the general principles was too short. As Fiona Hyslop (SNP) stated:

...I note that we have extended the debate by half an hour, but we still have too little time to allow all who want to speak to participate...[s]omething is amiss, and I intend to write to the Procedures Committee about the situation. The Housing (Scotland) Bill is the longest and most technical Bill to have been introduced...[t]here is frustration around the chamber that we cannot do justice to all aspects of the Bill [*Official Report, 14 March 2001: Stage One of the Housing Bill. Col 461*].

Tavish Scott (LD) also felt the same, commenting:

...it is nice to be able to make a contribution this afternoon but it is unfortunate that many members have not had the opportunity to do so because of the constraints on time [OR Col 493].

Brian Adam (SNP) had to limit his speech to two main areas: the right to buy and the Scottish secure tenancy [OR Col 473]; Johann Lamont (Lab) was told by the Deputy Presiding Officer on three occasions to bring her contribution to the debate to a conclusion [OR Col 478]; Cathie Craigie (Lab) suggested making some of her points to the Minister in writing [OR Col 493] and even the Minister, Jackie Baillie (Lab), was conscious that during her speech she was "rapidly running out of time" [OR Col 460]. Bearing in mind this was the first opportunity for all MSPs to contribute to the debate on the Housing Bill, the time allocated to Parliament to discuss the Bill by the Parliamentary Bureau was neither sufficient nor generous.

In the chamber MSPs were in agreement, with the exception of Fiona Hyslop (SNP), that the Bill had been well-consulted on and that effective consensus building has taken place among committee colleagues. Privately, however, opinions differed. As chapter eight demonstrated many MSPs on the Social Justice Committee felt they had failed to target local groups, while a smaller number alluded to the political wranglings during the writing up of the stage one report. Publicly, attitudes were more positive. As Robert Brown (LD) noted:

...as other members have said, the scrutiny of the Bill by the committees has been of a high standard. Views have matured and have been adapted; evidence has been heeded; and the committee report on any view is greater than the sum of its parts or the members' contributions to it. The ability of committee members to seek and obtain consensus and to accept and relate to other members' opinions is a great strength of the Parliament - even if, occasionally, we wallow in more fishy matters in the chamber debates [OR Col 473].

Tavish Scott (LD) similarly noted:

...it is arguably the most consulted on Bill in the Parliament's short history, having been effectively scrutinised by committees. It reflects the vigorous lobbying of MSPs and the Government by many organisations, which have brought to the debate the weight of considerable knowledge on the issues [OR Col 493].

Sandra White (SNP) welcomed the input and contribution interest groups such as Shelter Scotland had made to the committees in the lead up to the stage one debate [OR Col 489], while her Social Justice Committee colleague Karen Whitefield (Lab) emphasised the value of the pre-legislative consultation exercise that had been undertaken by the Social Justice Committee [OR Col. 486]. Fiona Hyslop (SNP) also congratulated the work of the committees but felt that the timing of the evidence taking sessions had been a disadvantage to organisations who had members to represent, commenting:

...as the Executive chose to publish the Bill just before Christmas, the committees effectively lost a month of work and some organisations had difficulty in sounding out their memberships before giving evidence...[t]he committees make a valid criticism that the evidence stage had to be concertina-ed [OR Col 462].

On substantive areas, there was cross party agreement in relation to the homelessness section of the

Bill and in relation to the creation of the Scottish single tenancy. As mentioned in chapter six, the legislative proposals on homelessness emanated from the recommendations of the Homelessness Task Force. MSPs widely endorsed these recommendations and felt they were long overdue. Fiona Hyslop (SNP) welcomed the single regulatory framework [OR Col 466] and stated “there is much about homelessness...on which we can all agree” [OR Col 464].

Moreover, Bill Aitken (Con) believed:

...sound arguments ha[d]...been advanced in support of the creation of a single tenancy and changes to homelessness legislation [OR Col 468].

Robert Brown (LD):

...applaud[ed]...the framework for homelessness strategies and the various other linked reforms in the Bill [OR Col 476].

Even Tommy Sheridan (SSP), who was strongly opposed to many parts of the Bill, thought:

...the Bill enhances the legal situation of homeless families...[believing]...those measures are definitely positive, as is the improvement to rights on tenancy succession, particularly in relation to carers of tenants [OR Col 481].

And Karen Whitefield (Lab) believed:

...the enhancement of the statutory rights of housing association tenants to match the rights of council tenants has long been sought and is extensively welcomed [OR Col 487].

The one main area of disagreement centred around the extension of the right to buy and the place (if any) that stock transfer had in the Bill. The SNP repeatedly voiced their opposition to the extension of the right to buy with Fiona Hyslop appealing to Jackie Baillie “to be her own woman” and not to follow “the strategy of her predecessor” [OR Col 464]. This was a direct link to the widespread assumption in the housing lobby that it was Wendy Alexander, the previous Social Justice Minister, who had single-handedly championed the cause of extending the right to buy. Linda Fabiani (SNP) also called for the Executive not to extend the right to buy arguing:

...it is as simple and straightforward as that. Forget the extension of the right to buy. The excuse is always that the right to buy is necessary to sustain the single social tenancy, but that does not stack up [OR Col 500].

The Conservatives, on the other hand, supported the extension of the right to buy with Bill Aitken believing that it was a continuation of Conservative policy, joking “if imitation is the sincerest form of flattery, I stand here flattered in the extreme” [OR Col 468].

The Liberal Democrats were not opposed to the right to buy in principle but had been concerned about the effective use of public subsidies. Robert Brown told the Parliament:

...the Minister has listened to our concerns and the measures that the Bill now contains - for example on housing association 10-year opt-outs...[and]...pressured area status [OR Col 473].

Interestingly, most of the Labour MSPs who spoke during the stage one debate side stepped the issue of the extension of the right to buy. Instead, Johann Lamont [OR Col 478] and Paul Martin [OR Col



482] focused on anti-social behaviour while Cathie Craigie's opening remarks addressed issues relating to tenant participation. It was left to Karen Whitefield to focus specifically on the right to buy and, when she did so, she used her time in the chamber to urge the Executive to examine the proposed discount levels [OR Col 487]<sup>35</sup>. Their reluctance to spend time debating the right to buy in the chamber reflected the Labour MSPs' unwillingness to ponder too long over something that privately many were uneasy with. As one Labour MSP told me:

...when the right to buy was first put into legislation I was bitterly opposed to it. The problem is that while the big organisations were maybe opposed to the right to buy the reality is that lots and lots of ordinary people believe it's good for them and their families....what I thought in my own head was not what people wanted to hear [Respondent 2].

The discussions in the stage one debate reflected the usual party politicking between Labour and the SNP which is so evident during other parliamentary sittings, most notably, First Minister's questions. One representative of an interest group noted:

...I, like you, sat through the stage one debate. A pretty turgid debate in Parliament and that's when I really started to feel a bit more despondent about the process. I did feel that the Ministers were using and abusing the opposition and having a go at the SNP...I came away from that thinking what could we as a small organisation - what focus do we have in cutting across the deep political way of operating and I haven't resolved that [Respondent 29a].

Respondent 29 was reflecting on the partisan nature of the exchanges between MSPs in the chamber. A typical example is noted here. For instance, Linda Fabiani (SNP) told MSPs:

...we should be really radical and ensure that the Scottish Parliament has responsibility for housing benefit [OR Col 499].

Jackie Baillie (Lab) responded, by saying:

...I am disappointed to hear another constitutional demand from the SNP. It has clearly failed to engage in a critical debate about housing and so is again letting down the people of Scotland [OR Col 499].

And Linda Fabiani (SNP) retorted:

...that means that we are both disappointed. I am incredibly disappointed in the Bill; the Minister is incredibly disappointed in the SNP. There we go [OR Col 499].

In total, twenty two MSPs (including the Social Justice Minister and her Deputy, Margaret Curran) participated in the debate. I am unsure how many MSPs were present in the chamber but my own impression at the time was that it certainly looked no more than half full. A small number of MSPs made their contribution to the debate and then left, even though stage one had not been concluded. One such MSP was Bill Aitken (Con) and his absence was commented upon by Paul Martin (Lab) who began his speech by responding to Mr Aitken's previous contribution to the debate, noting:

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<sup>35</sup>This point will be developed later in the chapter because at stage two Karen Whitefield tabled a successful amendment which lowered the discounts (and the related financial incentives to exercise the right to buy) from 50% to 35%.

...Bill Aitken, who I see cares so much about tenancy that he has now left the chamber [OR Col 482].

Sandra White (SNP) highlighted the small number of journalists who had turned up to report on the debate from the media, noting:

...I would also point out the lack of people in the press gallery. Whenever something really important is discussed in Parliament, the press does not bother to turn up [OR Col 484].

Perhaps the same accusation could be levelled at the parliamentarians. MSPs were quick to point out that the Housing Bill was the biggest and longest Bill to have gone through the Parliament; it was also the most technically complicated piece of legislation that had been proposed; it formed part of the Executive's 'flagship' policies and, in the words of the Deputy Minister, "it was the most radical Housing Bill for a generation" [OR Col 507]. It may be no coincidence so few of my respondents commented on this particular aspect of the legislative process. It was the first opportunity for all MSPs to support or challenge the policy proposals in the Bill yet very few chose to use this opportunity<sup>36</sup>. Poor attendance may have been a reflection on the broad consensus that existed across political parties on most of these general principles; however, it is worthy of note that on 14 March 2001 there appeared to be more individuals outside the parliamentarians' offices protesting against one of these very principles - the extension of the right to buy - than there were MSPs discussing it in the chamber. This perhaps reflects Richardson and Jordan's contention that legislators have a limited role to play in the policy making process:

...it is the relationship involved in committees, the policy community of departments and groups, the practices of co-option and the consensual style that better account for policy outcomes than do examinations of party stances, manifestos and of parliamentary influence (1979:33-34).

### *Stage Two*

#### *Time*

Some three weeks later the Social Justice Committee met on 4 April 2001 to scrutinise and propose detailed amendments to the Housing Bill. They met another six times, the final meeting taking place on 15 May 2001 which lasted the entire day. Just like earlier concerns that had been mooted about the lack of time the committee had to perform its evidence taking stage, there was similar concern that the time made available to the Social Justice Committee to carry out its scrutinising function and the time between lodging amendments and tabling them at stage two was insufficient. One Labour/Liberal Democrat MSP reflected:

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<sup>36</sup>Poor attendance could be typical of all stage one debates and may not necessarily be unique to this Bill.

...I think that when it came to timetabling amendments...there was always a rush. You had to get the papers printed one day and the amendments in a couple of days later and that was just for tabling amendments [Respondent 4].

An opposition MSP also agreed:

...some days we were in here 'till two in the morning because we had to have amendments in for the next day and we were only given something like forty eight hours notice which to me considering it was the biggest Bill to go through Parliament is not enough time to look at it properly and I think that was a big worry. So I think it was rushed through [Respondent 9].

Lack of time to adequately scrutinise the Bill was also raised by another MSP on the committee who added:

...the deadlines in regard to the completion of the detailed scrutiny at stage two was far too short. We didn't table amendments just for the fun of it. Although we did complete the process, in my view it didn't allow sufficient time for scrutiny in that the Executive published an amendment and you've just got three or four days. That didn't allow time to consult outside organisations and give mature thought and reflection to what was being proposed [Respondent 8].

The Executive took a different view. Responding to questions raised by the Procedures Committee during its investigation into the Consultative Steering Group's Principles, the Executive was asked to provide details regarding the timing of the lodging of Bill amendments. In a written submission, the Executive made specific reference to the Housing Bill. Their response stated:

...95% of amendments were lodged at least 4 days in advance of committee consideration. For much of stage two, the committee met twice a week with consequent pressure on all concerned. All breaches of the 5-day deadline occurred on these occasions (*Official Report: 13<sup>th</sup> meeting of the Procedures Committee: PR/01/13/3*).

The Executive added:

...the committee welcomed the Executive's attempts to resolve points arising from non-Executive amendments by lodging alternative Executive amendments during stage two, rather than simply giving an undertaking to lodge amendments at stage three. However, this meant that some Executive amendments were lodged after the 5-day deadline. The Executive had, in addition, to deal with 348 non-Executive amendments<sup>37</sup> at stage two, many of which were lodged much less than 5 days ahead (*Official Report: 13<sup>th</sup> meeting of the Procedures Committee: PR/01/13/3*).

The 5-day deadline noted above was a self-imposed voluntary deadline the Executive set itself in its internal guidance to which non-Executive members were not subject. None of the civil servants I interviewed made any reference to the timing of MSP amendments being problematic but it was an area of contention among MSPs. As one noted:

...the deadlines were pretty tight. Sometimes we were meeting twice a week which meant we had deadlines on Fridays and Tuesdays for amendments to be in [Respondent 3].

In a follow up interview, a representative of one of the key groups, who was heavily involved in lobbying at stage two raised, similar concerns regarding the time available to properly examine the

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37As can be seen from Appendix L, I have only been able to identify three hundred and forty seven non-Executive amendments.

legislation. She asked:

...does that allow due scrutiny of amendments that are being laid? Do people get an opportunity to look at them and throw them around a bit and see what's behind the amendment? [Respondent 27b]

Another Labour/Liberal Democrat MSP also believed more time would have given them the opportunity to better prepare and equip the committee members with the arguments necessary to challenge some of the Executive's proposals, noting :

...I would probably have given more time to stage two to be honest and I would have hoped that we might have been able to nail the Executive on the right to buy sooner because there were a number of sections of the Bill I didn't think were given full consideration - improvement grants was one of them and I didn't think that we got to grips with the issues particularly well. There really wasn't enough time. There were bits and pieces of stuff. You end up throwing things out and end up with something far more manageable and you try and get to the issues and I could have done with a bit more time for that I think [Respondent 1a].

Two MSPs, one from the coalition parties and one from an opposition party, acknowledged that while time was limited, MSPs had either not brought this to the attention of the committee or were not sufficiently prepared. The only opposition MSP who did not view the timescale as a problem was also the party's Business Manager, sitting on the all-powerful Parliamentary Bureau which oversees, among other things, the timetabling of all business in the Parliament [Respondent 11]. The other was a Labour MSP who did not accept the point I put to her about the committee having insufficient time. She told me:

...there was something like twenty-four hours of committee time and at no point was anybody cut short, nobody was ever excluded if they had something to say. In fact we finished a day earlier...It was a very short timetable but the fact is the politicians knew what the politics of it are and we've been lobbied for months and months and months about it and its very clear what the different strands were in terms of what groups wanted, but people were lodging amendments very close to the deadline when they could have thought six months ago that that would be quite a good amendment so I don't accept that it was rushed at all [Respondent 2].

An official working for the Social Justice Committee also felt pressurised by the tight timescale but implied this had not been helped by the lack of preparation on the part of MSPs. He told me:

...the closing day was a nightmare because members would just sit around or they're busy doing things - bring it all in, last minute, so you get one of these three or four words on a napkin coming to you at half past four. You have to get that amendment drafted and checked by the legislation team that night, so it's published the day after - that's the closing day. So you know one in the morning, two in the morning sometimes we were in - its mad, absolutely mad [Respondent 19].

These concerns are not peculiar to the Housing Bill. A report published by the Procedures Committee recommended that longer amounts of time should be made available between the lodging and tabling of amendments (*Procedures Committee, 2003:vii*). Many respondents believed that if the committees were to live up to the expectations of being the powerhouse of the Parliament, effectively scrutinising Executive legislation while consulting and involving civic groups in their decision making, then more

time needed to be made available. As one representative of a key group worryingly explained:

...we've obviously had informal discussions with people afterwards and you wouldn't believe the sort of things that nearly slipped through - that we didn't pick up...and that's not necessarily the best way to develop legislation [Respondent 27b].

### *Voting Behaviour*

In total, seventy four amendments were tabled by the Executive and only two failed, while three hundred and forty seven non-Executive amendments were lodged - with all but three of the SNP amendments failing. As the excerpts below demonstrate the opposition parties had two main complaints: one was directed towards the Executive and, linked to this, Labour members on the committee who were reluctant to accept opposition amendments; the second was exclusively focused on Labour members who were accused of voting along party lines and never 'breaking rank'. One MSP on the committee sums up the general feeling among the opposition members:

...I was very disappointed. We were led to believe - and I still think it's right - that this Parliament is committee-led rather than like at the House of Commons where it's an aye or no vote. When we went along to the committee I disagreed with my own colleagues so we were there as individuals and not as party members and I was very disappointed when every single amendment bar one which got through got beat simply because Labour Party members and the Lib Dem up to a point voted together to stop amendments going through. We got one amendment through and when they actually got to stage three of the Bill they voted against it. So although it's voted on by the committee who accepted the amendment, the Parliament voted against it [Respondent 9].

Another opposition MSP, commenting on the voting behaviour of her party colleagues, who on occasion voted differently, noted:

...we have the Labour Party members voting down the line - never broke ranks - never once changed the situation and to be fair my people voted different ways in different times and tried to genuinely do what they felt was best. It depends on how authoritarian the Executive want to be in pushing their agenda when it comes to controversial things [Respondent 11].

One MSP made it quite clear what he thought of the voting, commenting:

...if the Labour Party said jump out of that window they would jump [Respondent 13].

And another observed:

...there was clearly agreement in advance on which Labour amendments would be accepted. Those members met externally and so in the committee it was just like going through the motions [Respondent 8]

before adding:

...another thing I found disappointing was an unwillingness on the part of the Executive to accept...[SNP]...amendments even when it wasn't going to fundamentally undermine the principles of the Bill [Respondent 8].

Only three SNP amendments were successful. Two of these - amendments 414 and 415<sup>38</sup> - were of a

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38Amendment 414 (tabled by Brian Adam): 'In section 53, page 34, line 15, after <landlords> insert <or their tenants>' (*Scottish Parliament: 6th Marshalled list of Amendments for Stage 2:pp8*)

Amendment 415 (tabled by Linda Fabiani): 'In schedule 7, page 79, line 15, after <Administration> insert <the registered social landlord or subsidiary or associate body of the registered social landlord>' (*Scottish Parliament: 6th Marshalled list of Amendments for Stage 2:pp8*).

highly technical nature, so much so that one passed without a vote reflecting the unique all-party consensus within the committee. The other amendment, number 93, was more substantive, having a real impact on homelessness policy (and is something that will be discussed later). So how did Labour members on the committee respond to the accusations that they only supported one SNP amendment, given that the one they did support was of a purely technical nature? Labour MSPs simply felt that the vast majority of opposition amendments were not suitable and one outlined some of the reasons, telling me:

...Sandra White's amendments failed to appreciate what the Bill was about. Some of her amendments challenged the devolution settlement so it's not surprising that we voted against these [Respondent 3].

Respondent 3 also felt an amendment laid down by Tricia Marwick:

...failed to understand what the tolerable standard is used for...it was too vague and wouldn't have improved anything [Respondent 3]

before adding:

...quite frankly I could never have voted for the SNP amendments because none of them ever made sense and I don't say that lightly or flippantly [Respondent 3].

Two civil servants took a slightly different view. One was almost complimentary about the quality of the amendments tabled by committee members, telling me:

...there was an enormous number of amendments put down - what was it? Five hundred or so during the committee stage. And they really worked quite hard, all those MSPs I think in putting amendments down and there weren't that many that were absolute nonsense. There were one or two but there weren't that many [Respondent 18].

The head of one of the Housing Divisions offered his rationale as to why the Executive was unwilling to accept opposition amendments. He told me:

...even if Fiona Hyslop puts down something that's spot on generally we'll not accept it. It's to ensure that we will be comfortable with the drafting and most MSPs are entirely happy to get the idea past. They're not bothered with the words and it's basically to ensure that we can take responsibility for the text. It's a system that works and it's a Westminster system. Every now and again we'll end up accepting something that's drafted but it's quite rare [Respondent 17].

Competing explanations were forwarded by different people regarding why opposition amendments were generally not accepted. The SNP argued it was simply down to party politics which they found disappointing considering the expectations placed on the committee system and the new style of politics which it was expected to embrace. Conversely Labour MSPs intimated that opposition members had simply not got to grips with the Bill and hence their amendments were not appropriate. Indeed even if opposition MSPs had tabled worthy amendments the chances are they would not have been accepted since civil servants ultimately have to take responsibility for legislation and therefore would rather draft it themselves. It is probably a mixture of all three of these. However, if civil servants would rather draft the legislation themselves, why then would they accept the vast majority of



non-Executive amendments that were tabled successfully by Labour and, to a lesser extent, the Liberal Democrat member? The answer may lie in this colourful comment made by one MSP:

...you've got to recognise the particular position of the Labour groups on these things because they don't table amendments without there being a *carte blanche* from everybody in sight. These amendments to all intents and purposes were Executive amendments [Respondent 1a].

There is further evidence to suggest that many Labour amendments had been drawn up by civil servants despite officials being there primarily to support the Executive. This is a point we will return to later, after we explore the responses of Labour MSPs to the criticism levelled at them by SNP members.

Labour MSPs took a pragmatic approach to the criticism that they voted *en masse* and thus failed to have an independence of thought. As one Labour committee member told me:

...the reality is that we're Labour and Liberal members and that it's a coalition piece of legislation that's going through, but you can oppose it in certain kinds of ways but supporting it perhaps means that there's a greater degree of unanimity in what you're doing [Respondent 2].

Another commented:

...I don't think anything would necessarily have been gained if one Labour member decided not to vote together. The Labour members on the committee met and we decided how we were going to vote [Respondent 3],

adding:

...at the end of the day I didn't come here to humiliate the party whose ticket I represent. I came here to deliver change and support my party's manifesto [Respondent 3].

Another reiterated these points:

...it was a major piece of Labour Party policy. I strongly supported the Bill and the aims of it and was very happy to make amendments that supported my party's view [Respondent 4].

However, at the end of the interview respondent 4 implied there had been one occasion where supporting the party line had been difficult. She told me:

...if I were to be perfectly honest, there was only one day where I felt really uncomfortable supporting the Executive line but fortunately they came back - that was on the fuel poverty issue. We needed assurance from the Minister that the Executive would take action there. That was really the only one [Respondent 4].

Political considerations, unsurprisingly, went some way to explain Labour MSPs' voting behaviour. As one succinctly put it "I didn't come here to humiliate the party". Labour members made no apology for this and while opposition MSPs and interest groups saw this as a weakness, Labour and to a lesser extent Liberal Democrat MSPs believed this to be a strength. Voting *en masse* did not just reflect political pressures but was also a strategy which better equipped the backbenchers to bargain and negotiate with the Executive, although this was not played out in the public arena of the committee; instead it took place in other, more private spaces.

One MSP could appreciate why certain individuals may have viewed Labour members on the committee as voting fodder, while maintaining that Labour MSPs had been involved in making substantial changes to the Bill. She told me:

...we had very good working relationships with both of the Ministers and we had very open and frank discussions with them regularly about the Bill and what we wanted to see in it...I can see how people would see that the Labour members on the committee are pretty ineffective and simply voting fodder and perhaps in this committee we've operated in a different way from Labour members on other committees but I personally don't feel that we've been ineffective at all because if you look at the amendments that have been tabled by Labour members to the Bill that have been accepted by the Executive these are the very amendments which make the Act a very different Act from what we would have had if the Bill had been unamended. This has fundamentally changed the Bill which suggests that we weren't ineffective at all. But the way we did it was in a very discreet, much less obvious way of working. It was about us working behind the scenes and getting the Executive to deliver what we wanted them to [Respondent 3].

This response was typical of others in the Labour group. Respondent 3 had intimated that Labour MSPs had a good working relationship with Ministers which was reiterated by another MSP who commented:

...the Minister's your colleague, your friend and you can meet and speak frankly and of course they can totally disagree with you and put up a good argument or they go away and look at ways they could change it or convince...[Respondents 2, 3 and 4]...that we were wrong [Respondent 4].

Linked to this, are references to the "open and frank" discussions they enjoyed. Respondent 4 similarly used the word "frankly" to describe the nature of exchanges between themselves and Ministers, while respondent 2 also believed "the Minister would be in no doubt what our position would be, so there is that line of communication". And respondent 3 pressed this point, insisting "we had regular meetings with the Minister and believe me they were frank - very frank".

Labour members were therefore utilising their collective role as committee members to argue their case in a candid and forthright way. This was confirmed by others who suggested Labour members had pushed the Executive in a number of areas relating to both the Executive drawing up amendments Labour members had been pressing for, and regarding Labour members bringing forward amendments with the full support of the Executive.

The regularity of meetings between the Labour committee members and the Minister was another point made by respondent 4. Respondent 3 gave a more precise account, stating:

...we had our discussions with the Executive prior to going in to each committee meeting [Respondent 3].

These discussions would take different forms as one civil servant reflected (and note the comparison with Westminster):

...well we would brief the Minister on the individual amendment and we would make sure that

she understood what we thought this amendment was seeking to achieve and what it did actually achieve - which is not necessarily always the same thing...she would then have a meeting with the three Labour MSPs and the Liberal MSP which would be quite a normal process at Westminster. Some of those meetings were on a political basis where she would have her Special Advisor, Duncan McLennan, with her, some of those meetings she would have the officials there where we would deal with the facts and factual briefings and not get into the politics of it all and all the arm wrestling and all the compromise [Respondent 18].

The last part of this comment where the civil servant makes reference to politics, arm wrestling and compromise is particularly noteworthy. It is one thing to have good working and personal relationships with the Minister and to enjoy frank and open discussions on a weekly or twice weekly basis, depending on how often the committee was meeting; it is, however, something different to have genuine and real influence. During the interviews with Labour MSPs they stressed how successful they were in negotiating with the Executive - albeit this would be within the political and policy framework laid down by the Executive in the first instance. One MSP told me:

...we had discussions, we changed that Bill and Labour members were responsible for getting those changes to the Housing Bill and arguing our case directly, face to face with Ministers [Respondent 3].

And another said:

...there were clearly shifts by the Executive and it was the Labour members that were able to achieve that [Respondent 2].

The internal workings within the Labour group were also identified by a small number of interest groups who recognised the dynamics between Labour MSPs and Ministers. One representative commented:

...we found it interesting to find out that sometimes if the Executive put it back and it wasn't going anywhere and Karen...[Whitefield]...and Cathie...[Craigie]...expressed an interest in and were able to lay for us - slightly amended perhaps - but with the same kind of principle ... [the]...requirement on registered social landlords to provide information to local authorities - that was one we got Karen and Cathie to table for us. Something that the Executive weren't going to take which had been on our initial list and then they...[the MSPs]...saw it and thought that made a lot of sense and they went back and then it went through [Respondent 27b].

The same respondent also singled out one particular member as being key to the process, noting:

...we knew that in the Labour group Karen...[Whitefield]... was leading on this and if you wanted something laid then you had to go to Karen...[Whitefield]...first, who would then see if it was okay. So there was that internal process [Respondent 27b].

According to the Labour MSPs, success in affecting policy change was achieved by teamwork. One MSP reflected:

...the three of us...worked very much as a team. We met together, we agreed, we took decisions together. When one of us decided that this was the right thing to do we backed each other up. It was collective decision making that went on between the three of us independent of the Executive and with consultation with other members of our Labour Group [Respondent 3].

Other sources suggest Ministers were extremely sensitive to backbench pressure and viewed the Bill as an opportunity to “connect back to the Labour group”. One civil servant also noted:

...I don't think you can overestimate the amount of work that the Ministers, particularly Jackie Baillie and Margaret Curran but other Ministers as well put in across the Executive to try and make sure that backbenchers were happy [Respondent 16].

Another more generally reflected:

...I think we could have been a bit more cavalier like the Westminster type process...We had to do a lot more work because of the arithmetic in the committee in terms of talking to people and in terms of listening to people and when we could sensibly make amendments without damaging the central purpose of the Bill. We needed to make those amendments and Jackie Baillie was very keen to take people with her and to show that [Respondent 18].

Observers in the public gallery and opposition MSPs criticised Labour members for being Executive ‘stooges’. Labour members, on the other hand, were working behind the scenes and thrashing out their disagreements behind closed doors in other, less public, spaces, while claiming to successfully hold the Executive to account by working together. There was one reported instance, in relation to fuel poverty, where one felt uncomfortable supporting the Executive line. Despite this uneasiness they did not withdraw their support, which casts some doubt over their claims purporting to be the ones that got the Executive “to deliver” [Respondent 3]. Interviews with civil servants also suggest that officials had more control over the direction the Housing Bill was going than Labour MSPs were either aware of or, alternatively, alluded to during our interviews.

#### *The Right to Buy*

The two biggest policy modifications that were made in the duration of the legislative process related to the extension of the right to buy and the inclusion of fuel poverty, which was not contained in the Executive's consultation document but appeared in the final Bill. The right to buy sat uncomfortably on the shoulders of Labour MSPs. As one reflected:

...the right to buy...create[d]...major problems. It signalled the beginning of the end of council housing [Respondent 5].

Another conceded:

...I was one of the people who way back opposed the right to buy, but it is very popular and I could just imagine if we came forward with proposals to abolish the right to buy - the surgeries would be packed out [Respondent 4].

And another commented:

...when the right to buy was first put into legislation I was bitterly opposed to it. The problem is that while the big organisations were maybe opposed to the right to buy the reality is that lots and lots of ordinary people believe it's good for them and their families...What I thought in my own head was not what people wanted [Respondent 2].

During the fifth meeting of stage two, Karen Whitefield successfully tabled amendment 224 - all Karen Whitefield's amendments were successful - which stated:

...In section 42, page 27, line 10, leave out < 50 per cent or £20,000 > and insert < 35 per

cent or £15,000 > (*Scottish Parliament: 5<sup>th</sup> Marshalled List of Amendments for Stage 2, Section 42, pp12*).

In its most simple form, this amendment made the right that tenants had to purchase their local authority rented home a less attractive financial proposition than it would previously have been. Before the Housing (Scotland) Act 2001 came into force, council tenants could receive up to 60 per cent discount on their home if they wished to purchase it, while those who rented from the bulk of housing associations had no similar right. The Housing Bill proposed one Scottish secure tenancy which would be applicable to both council tenants and tenants who lived in housing associations. The rationale for the extension of the right to buy to housing associations was that you could not have one single tenancy covering all of the socially rented sector without those tenants being entitled to the same rights. Therefore, the Bill proposed that the right to buy should be extended to housing associations and with this modernised right to buy came concerns from interest groups and MSPs regarding the stock of affordable homes that would be left after individuals had exercised their right to purchase their home at discounted levels. For example, during the evidence taking sessions, the Chartered Institute of Housing in Scotland told the Social Justice Committee:

...it is absolutely clear that the right to buy has damaging effects. Most housing professionals would love to do away with it (*Social Justice Committee, 2001*).

And CoSLA stated:

...the right to buy does exacerbate shortage of supply issues...our members have consistently reported that the loss of what is generally the best stock in their area leads to problems of residualisation, and lack of good quality stock to deal with issues of mainstream and homelessness demands (*Social Justice Committee, 2001a*).

The Executive's consultation document had previously stated that discounts to the modernised right to buy would be capped at 50 per cent or £20 000. The amendment Karen Whitefield subsequently tabled capped the maximum discount at 35 per cent or £15 000. The result, as one Labour MSP noted, was that:

...the right to buy is now less of a gift than it was in the past and seems to be a fairer system [Respondent 4].

As discussed earlier, Labour MSPs took credit for modifications to the Bill on the right to buy and one key group heavily involved in lobbying throughout the legislative process also believed Labour members on the committee had been pivotal, believing that:

...people were really dismissive of Karen...[Whitefield]...and Cathie...[Craigie]...from outside organisations but they were the ones who actually delivered a lot of the stuff that reformed the right to buy. Politically they managed the process and I think they were the key [Respondent 23a].

However, the picture, as always is not so clear cut. While MSPs took credit for changes to the modernised right to buy, there was also evidence to suggest it was the Executive who ultimately delivered the all important amendment which capped the discount levels, not to mention the position

of a key interest group which felt it was in fact their meeting with the Minister just before stage two which had won her over. To confuse the picture further, another 'Core Insider' told me they had been given assurances at stage one that there would indeed be political mileage regarding modifications to the right to buy, assurances that led to that interest group standing back from the right to buy debate at an early stage in the legislative process.

So who ultimately was influential? Well, starting off with one of the aforementioned key groups, one of its representatives told me:

...the right to buy was a big one and by the beginning of May not many days before the right to buy part of stage two was coming up, we were not getting anywhere with the civil servants...As far as they were concerned the line had been drawn with regard to the right to buy...They weren't going to go any further with concessions or changes. We took a decision - we had reason to believe that the Minister or the two Ministers may not be as so implacably opposed to some of our concessions as civil servants were giving us the impression that they were. Within a few days of making contact with Ministers directly on this package of concessions that we wanted to see they were agreed [Respondent 24a].

The representative linked his timeous discussion with Ministers to the package of concessions later tabled during stage two and suggested civil servants were less responsive than Ministers were. However, during an interview with a civil servant, where I questioned him over why it had taken so long for the Executive to develop an amendment (which was tabled by Karen Whitfield) that would have instantly quashed the almost universal criticism levelled at the Executive with regard to modifying the right to buy, he told me, "Ministers could have done that at any point from the word go" [Respondent 16].

Perhaps organisation 24 just happened to have a meeting at the right time and understandably linked the outcome of their discussion with the Minister to amendment 224 which was lodged a short time after. While this group was certainly a 'Core Insider' in terms of its close relationship with the Executive, as discussed in chapter five it had also been critical of Labour MSPs and consequently that channel of influence and access point had been closed down. As one Labour MSP explained:

[The organisation in question]...weren't as influential as some of the other organisations in getting the changes that they wanted because they came to the debate too late in the day...their position was so entrenched that they had nowhere else to move to and I don't think they thought for one minute that the amendment...was ever going to come from Labour members nor did they believe they were going to be successfully tabled either...I didn't liaise with...[the organisation]...and that was primarily due to the way in which they treated Labour members on the committee in the run up to the Bill. [Respondent 3].

Another source corroborated this, stating that this particular organisation would probably never be forgiven by Labour members on the committee for criticising them in the organisation's newsletter. The 'rules of the game' certainly do not permit personal insults and while the strategies pursued by group 24 won them no favours with Labour MSPs, civil servants, by contrast, could not afford to shut



this group out of the process. Put another way, officials appeared to be more reliant on this group's resources than MSPs were.

Conversely, organisation 39 adopted a more moderate approach and believed its efforts were responsible for changes to the discount levels. Instead of calling for an outright removal of the extension of the right to buy (which was the initial standpoint of group 24) it was more willing to accept modifications to the proposed right to buy. This concessionary tone would be more acceptable to the Executive, while the modifications made the right to buy more palatable and easier to 'sell' to its members. The representative told me:

...I think from...[the organisation's]...point of view there maybe was a much longer history of the fact that if you changed discounts and capping levels then you could have a much stronger acceptance if you like on the principle of the right to buy and maybe much less reluctance to accept it. So that's why we focused on the discount level and we had aimed at 33 per cent...The civil servants really couldn't accept our technical arguments on that...[but]... basically from early on we were aware that there might be some political mileage [Respondent 39].

This respondent, commenting on an earlier stage in the legislative process, added:

...at that point we did understand that there was a shared view from some of the MSPs and therefore one of the amendments that we put forward was the one that finally Karen Whitefield put forward [Respondent 39].

Thus, a number of competing accounts about who was responsible for amendment 224 were put to me. Karen Whitefield tabled the amendment significantly reducing the cap on discount levels which showed she was listening to interest groups and holding the Executive to account. Alternatively one of the key organisations believed it was its timely discussion with the Minister which persuaded the Executive. However this take on events implied that the representative of this interest group was aware the Executive drew up amendments for Labour MSPs and I have no evidence to suggest that he did, while the deteriorating relationship this group had with Labour MSPs must also be taken into consideration. The other possibility is that this amendment had roots linking it to another key interest group which was given indications early on that there would be a policy shift. The representative claimed it was her organisation who drew up the very amendment that was finally tabled by Karen Whitefield and while this could be possible given this group's political leverage, we have yet to plot the civil servants' take on events.

One civil servant implied the modifications to the policy proposal on the right to buy could have been tabled at any point. He told me that it was something the Executive had instructed Karen Whitefield to do and it was used as a political tool to keep the backbenchers happy. It also enabled Ministers to show they were listening to the Parliament since the amendment was tabled by a backbencher which the Ministers in the committee then gave their support to. Another civil servant also commented:

...the right to buy disappeared...particularly once we moved to adjust the level of the discount levels...Managing the politics of this was quite interesting and we went through various 90-degree turns. At the end we had the proposals for the modernised right to buy which had taken a lot of the steam out of the issue though...[organisation 24]...were still being quite difficult - but yeah the change in the discount was the final thing that carried it through and really paved the way. It's a question of political judgement - that's why you'll have to speak to Jackie Baillie about this - but you have people from local authorities, Labour people from local authorities who have a particular view on the right to buy, you have...[organisation 24]...you have the complicated arithmetic in the committees...and the Minister wanting to get her Bill through relatively unscathed and politics is the art of the impossible and that's how we ended up where we were. If we hadn't had the Parliament there and if we hadn't had interest groups there we might have ended up somewhere else [Respondent 18].

According to the officials I interviewed, the politics of policy making was one of Executive control being exercised and power being maintained through a bargaining process. This bargaining process invariably took place away from wider parliamentary and public scrutiny. Civil servants and Ministers struck compromises and brokered deals with Labour and to a lesser extent Liberal Democrat MSPs to maintain their grip and influence over policy outcomes.

It is difficult to reliably trace back modifications to legislative proposals when respondents offer different and competing accounts of who was responsible for what but such competing interpretations are in themselves revealing. The answer to explaining shifts in housing policy with specific regard to the right to buy is most likely a combination of all of these narratives. Interest groups were without doubt putting considerable private and public pressure on the Executive and MSPs, most notably, organisation 24 which was vehemently opposed to the right to buy, organising a public demonstration outside the parliamentarians' offices at stage one. Labour MSPs were personally and privately unhappy with the right to buy, with one noting her initial bitter opposition to it. Coupled with this was a Minister who was viewed as having a more consensual and conciliatory style unlike her predecessor, Wendy Alexander. Finally, the civil servants suggested they played a shrewd political game, advising the Minister on where deals could be best struck and compromises made between her and Labour committee members and more generally with the Labour group without jeopardising the general principles of the Bill. These concessions may indeed have been carefully timed by civil servants for maximum political gain but what is noteworthy is that these policy modifications happened nonetheless.

#### *Fuel Poverty*

The policy shift relating to fuel poverty revealed a similarly complex picture. No mention of fuel poverty was made in the consultation document which was published by the Executive in July 2000. As mentioned in chapter eight, the Social Justice Committee's stage one report stated:

...the committee welcomes the Executive's response to this point...[the Minister made a commitment while previously giving evidence to the committee to place measures in the Bill regarding fuel poverty at stage two]...and urges that the opportunity to address one of

Scotland's most difficult social problems is not wasted. The committee will take careful note of the amendments once lodged (*Social Justice Committee, 2001b:5*).

There was criticism from interest groups like Age Concern Scotland, Shelter Scotland, and Friends of the Earth that no mention of fuel poverty had been made in the Executive's consultation document. These organisations had joined together under the umbrella group, The Scottish Warm Homes Campaign, to lobby on both fuel poverty and tolerable living standards. A representative from one of these groups noted:

...the Executive are loathe to use the Housing Bill to tackle fuel poverty. I think that they are just scared of the resource implications [Respondent 27].

A civil servant disagreed telling me the Executive was simply waiting for parallel legislation that was being drafted at Westminster - The Warm Homes Energy and Conservation Act - which would affect England and Wales and:

...that was the reason why...[the Executive]...didn't put it in the original Bill because things were still moving around south of the border [Respondent 17].

Labour MSPs were not entirely convinced by the explanation forwarded by the Executive. As one commented:

...the person who did the most work was Karen Whitefield. From very early on Karen was dealing with fuel poverty and when it became clear that there wasn't going to be something she began to lobby quite hard and I think at stage two her amendment was accepted. There was that whole process there - some of it visible in the committee and some of it not in terms of arguing the politics of it [Respondent 2].

During stage two the Executive put forward an amendment (*Scottish Parliament: No435. 7<sup>th</sup> Marshalled list of amendments for Stage 2: pp2*) which was accepted by the committee to set a target date for tackling fuel poverty in fifteen years. However, in this instance Karen Whitefield also tabled a competing amendment in the very same section, which was highly unusual. Karen Whitefield's amendment placed added duties and responsibilities on the Executive such as keeping the fifteen-year time frame under review and publishing any modified statement. (*Scottish Parliament: No435A/435B. 7<sup>th</sup> Marshalled list of amendments for Stage 2: pp3*).

It was unusual for a Labour member to table an amendment directly challenging an Executive one and during the committee it seemed that on this occasion the Labour group and the Executive had not been able to arrive at a mutually agreeable decision with Karen Whitefield telling the committee that the Executive's amendment had fallen short of its goal (*Social Justice Committee, 2001c*). The Executive amendment failed while Karen Whitefield's one which added duties and responsibilities on the Executive to monitor and review its commitment to fuel poverty was passed. This could be taken as an example of the Labour group holding the Executive to account, if it were not for the claims made by organisation 54 which also believed that:

...without...[group 54]...the fuel poverty stuff wouldn't have been so robust, if at all there [Respondent 54].

The representative told me his organisation had been approached by the Executive who informed him they would be bringing forward an amendment to set targets for eradicating fuel poverty if the organisation in question would stop publicly criticising the Executive in its press releases. He added that the Executive had told them there would be a commitment to eradicate fuel poverty in fifteen years. The organisation had been lobbying for a limit of ten years; however, despite the target time frame being longer than organisation 54 had ideally wanted, they were nevertheless delighted with the outcome.

Although it is difficult to verify, since I suspect Ministers and civil servants would never divulge whether they would entertain this crude level of politicking, it is nevertheless interesting that another representative from an interest group was similarly given the impression that if they were to cease using the media as a strategy, then there might be the possibility of a trade-off. He stated:

...well what in effect they were hinting to us - although this of course was never said but the hints were there - that if we're not going to get publicly rubbished as Ministers, things like demos, very negative press releases and that kind of thing, then we might be able to see our way to concessions on some of the detail and that's in effect what happened [Respondent 24a].

The claims by interest groups and MSPs that they were the ones responsible for getting fuel poverty into the Bill annoyed the head of one of the Housing Divisions who believed these claims were misguided. He reflected:

...we saw two sides of the process in that we saw the other political parties politicking on it... [fuel poverty]...and it's interesting to note that at least one of the parties took credit for the fact that there was finally something in the Bill on the basis that they had raised the matter - carefully ignoring the fact that when the draft Bill was published that the Minister said that the final Bill would have something in it [Respondent 17].

Just like the policy modifications that were made to the right to buy, the inclusion of fuel poverty was most likely the combination of a plurality of key policy players and influences. The Minister had previously made a commitment to putting something in the Bill regarding fuel poverty when she gave evidence to the Social Justice Committee. This could have been as a result of constituency, organisational and/or parliamentary pressure given that the initial consultation document did not contain reference to fuel poverty which implies there was no original intention to use the Bill to tackle it. However, the civil servant maintained that they were simply waiting for similar legislation to be drafted at Westminster. One Labour MSP had intimated that political pressure had to be applied to the Executive when it became clear that "there wasn't going to be something". And let's not forget group 54 who believed that it was their vocal and critical campaign of the Executive that was ultimately persuasive, which could well be case given the powerful role of the media.

### *Tenant Participation*

Despite competing accounts of who ultimately influenced certain policy outcomes, it is clear that regardless of the way it appeared in the committee - that Labour MSPs were well disciplined to toe the party line - they were nevertheless successful in modifying parts of the legislation. One such example is the move from a *statutory right to tenant consultation*, which was proposed in the original consultation document, to a *statutory right to tenant participation* which finally appeared in the Housing Act. One interest group had taken the lead role in lobbying for a statutory right to tenant participation and her comments detailing the events that took place after she had given evidence to the Social Justice Committee are worth quoting at length. She told me:

...what happened after the Social Justice Committee...well Cathie Craigie and Karen Whitefield asked for a meeting and so I briefed them. I knew that I would only have a short period of time to flag up to them basically that we were at odds in a sense with the civil servants...Cathie Craigie and Karen Whitefield were very supportive. So basically we had numerous options. The option was that the civil servants would draft the amendment and then it would go under some MSPs name... So it was bit of a flurry - what's in the Bill is not exactly what's in the...[organisation's]... research but it's a compromise and it's certainly a lot better than what was in the draft...We wanted the civil servants to show us their thinking before it went in as the amendment...Well we asked...[the civil servants]...what was happening about the amendment and she said 'well we've taken on board what...[the organisation]...was saying and there will be an amendment tabled but we can't tell you what it is' and we said 'if you don't tell us what it is how are we meant to know what it says' because there are other options to table amendments so they weren't awful forthcoming. So I just 'phoned up Cathie Craigie who at the time seemed keen - so I contacted her researcher who was very helpful and he said he would do a bit of 'phoning around and so within about half an hour I had the civil servant back on the 'phone saying that the Minister had been in touch and they would prefer an amendment to go to the table with our support. So we were informed what the amendment would roughly state. We were faxed a copy and that was tabled by Cathie Craigie [Respondent 36].

Respondent 36 suggested civil servants were not as comfortable as Labour MSPs were with the move from a statutory right to consultation to the proposed statutory right to participation. This was confirmed by another source who told me this policy area ended up going further than some officials would have liked. The key amendment was drawn up by civil servants but was tabled by Cathie Craigie which ties into other examples, most notably on the right to buy, where Karen Whitefield's all important amendment was in fact drawn up by the Executive. As one Labour/Liberal Democrat committee member commented "I don't think it gives the whole story who moves the amendment" [Respondent 1a].

This last point reflects the unequal balance of power between committee members. The coalition parties were at a distinct advantage because not only did they have a functioning majority on the Social Justice Committee, but they were also more inclined to table technically correct amendments which were not only drawn up by experienced lawyers from the civil service but were amendments which also had the full backing of Ministers. As such, although it could be argued that power was shared between the Minister and the Labour group and to a lesser extent, between the Minister and the Liberal

Democrat member, the opportunity to amend legislation and hence influence the direction of policy was certainly not equally enjoyed by all members on the Social Justice Committee.

#### *The role of the Liberal Democrats*

The effects of the Additional Member System coupled with no one party having an outright majority on any committee made the Liberal Democrat group stronger than it would otherwise have been. Just like the meetings the Minister had with Labour members on the committee, the Liberal Democrat member similarly enjoyed regular meetings with the Minister, albeit not with the same frequency as his Labour colleagues. He commented:

...I had probably a fortnightly meeting on average with the Minister and some officials in the course of the Bill and in the lead up to it and we'd thrash out a number of things. [Respondent 1a].

These meetings were productive, with respondent 1a noting:

...at the end of the day I think we did get, in one form or another, fifteen not insubstantial changes made to the Bill ranging from the right to buy to reference to disabled - child proofing and things like that which would not have happened at Westminster and probably wouldn't have happened without the Liberal Democrats holding the balance as it were.

Influencing the policy on the right to buy required a politically sophisticated approach:

...on the right to buy stuff I didn't lodge anything until I knew where I stood because it was so politically sensitive that I would land myself in a right knot if I went ahead. That had to proceed behind the scenes by way of Executive agreement and agreement with my own group about how far we could push this, that and the other - so it was a bit more delicate [Respondent 1a].

These comments tell us a number of things. Firstly, the Liberal Democrat member on the committee enjoyed regular meetings with the Minister and other interviewees confirmed this telling me that the Minister would also offer to do presentations to, and meet with, the wider Liberal Democrat group. According to these interviewees, this was to ensure coalition MSPs were kept well informed and abreast of developments while also serving the dual purpose of ensuring MSPs were not solely reliant on the interest groups' take on events and "view of the world".

Secondly, the aforementioned MSP used the word "thrash", just like the words "frank" and "open" that were used by Labour MSPs to explain the nature of their discussions with the Minister. The Liberal Democrat MSP implied there was a degree of give and take and negotiation. Another source verifies that the nature of these discussions took the form of anything ranging through resistance, agreement, disagreement, acceptance, negotiation and compromise on a range of policy positions. This changed the Bill without the Executive necessarily conceding on any of the fundamental principles.



The third point relates to the “fifteen not insubstantial changes to the Bill”. One such change was the inclusion of a system of appeal against homelessness applications: something passionately pursued by this particular MSP.

The fourth, and by all accounts most important, point relates to this MSP’s acceptance of having to “proceed behind the scenes”. These informal processes were both ubiquitous and taken for granted and were arguably the most influential and also the most exclusive. The preference to work this way had the effect of substantially reducing the range of political actors involved in the policy process to just ‘insiders’ while keeping decision making away from public spaces. It also highlights some of the normative concerns raised in the literature regarding policy networks.

#### *The role and attitudes of interest groups*

So how did organisations react to the internal dynamics that existed between Labour and Liberal Democrat members and the Executive? Well, the key groups who were heavily involved in lobbying at stage two employed very similar strategies in order to maximise the chance of one of their amendments finding its way into statute. As a typical comment demonstrates:

...the angle we went for caused some difficulty for the SNP, but we would go to the Executive first and with the Executive we had discussions before stage two happened about areas where we wanted amendments...so it’s a question of going to the Executive first and seeing if they’ll take it and if they take it then it goes to their legal people and it gets worked up and that’s a far safer way of dealing with things...But then if the Executive were still saying no then - and this is not what happened at the first stage of day two but when we got to know the process a little better - is that we would go next to the Labour group, to Karen...[Whitefield]...and Cathie...[Craigie]...and see if they felt there was any value in the amendment...the next stage was possibly Robert...[Brown]...depending on the area...and we used Tommy...[Sheridan]...quite a bit [Respondent 27b].

The first part of this comment, where the interest group alludes to the effect of its strategy on the SNP, is something we will return to in a moment when we look at similar comments made by others. The second point, is the range of tactics which were utilised to maximise influence which reflected the relative distribution of power among the MSPs involved in stage two as perceived by this interest group. The third point relates to the comment “when we got to know the process a little better”. The better informed interest groups became aware of the dynamics between the Minister and Labour committee members, which gave interest groups a further point of access in which to lobby for legislative changes, although many of these changes would be of a technical nature and hence more incremental than others. The fourth point relates to the marked absence of the SNP from the overall strategy and the preference to approach Tommy Sheridan to table amendments who was seen as “really principled...[and]...a very good speaker” [Respondent 27b].

Similar tactics were employed by another ‘Core Insider’ who identified a “pecking order” of importance. The representative explained:

...the pecking order is the Executive and Ministers and by that I mean civil servants and

Ministers in different respects...The next in the pecking order...are the Labour members on the committee...Next comes any remaining alliance like Robert Brown in this case. And next, it's depending on the issue, Bill Aitken...[Conservative]...or the SNP because if you're using Bill Aitken or the SNP, you are almost certain of making a statement [Respondent 24a].

This last point was reiterated by another key group, noting:

...it makes you nervous about going to opposition parties with things when you thought you might get some movement from the civil servants or Executive because as soon as Sandra... [White]...Linda...[Fabiani]...or Fiona...[Hyslop]...made an argument they would have just pulled down the shutters [Respondent 23a].

The strategies employed by interest groups were not so much a reflection of their attitudes towards, or an unwillingness to work with, the SNP, but simply a result of the style in which the Executive managed both the politics and mechanics of the legislative process. One representative was sympathetic to the somewhat excluded and peripheral position the SNP found itself in, commenting:

...it came through from the SNP speeches that there was a frustration that perhaps organisations such as ourselves had had better contact with the decision takers and more influence on the policy than they were having and it was a kind of question for them of the power of the Parliament versus the power of the Executive and I could understand that [Respondent 28a].

Another representative was less sympathetic:

...we have had a lot of expressions from the SNP that they are fed up with...[the organisation]...generally because we didn't use them enough. We didn't seek their amendments and instead we were doing little deals with the Executive and I say this quite openly, that is such a fundamental misunderstanding of the parliamentary process...and the process of getting the policies you want because they must know the pecking order [Respondent 24a].

Respondent 24 believed that if the SNP was to win the next election then the organisation would be equally happy to work with a SNP led Executive. This would be an Executive which would no doubt be made up of some of those very same SNP members this organisation had previously been bypassing. Indeed, this suggests that a policy network can instantly be reconfigured and membership changed. However, the comments from the SNP MSPs suggest they might not as easily forget about their exclusion from the policy loop which they feel was perpetuated by key interest groups who were working too closely with the Executive. As one MSP noted:

...I feel there's a bit of buying off going on. You know, I'm not saying that these organisations are consciously going into the process saying 'we're going to allow ourselves to be bought off', I think it's happening without them realising [Respondent 14].

One further MSP reflected on the "cosy consensus and compromise of some of the agencies" [Respondent 11].

And another added:

...I told in particular Shelter and also the SFHA that their conduct was rather partisan and it didn't reflect well on them [Respondent 8].

There was without doubt an overwhelming feeling among the SNP that the strategies employed by these interest groups had in effect excluded the SNP from putting any meaningful input into stage two.

On the one hand, parliamentarians are to an extent reliant on interest groups' expertise and technical know-how in identifying loopholes in legislation and drafting amendments. MSPs can also speak with greater authority if they can cite - as they often did during the parliamentary process - the support of a number of civic groups. The flip-side here is that the SNP members were effectively cut off from the policy network that had built up between key interest groups, Ministers, civil servants and Labour MSPs at stage two. This particular network did not simply exclude opposition members but also had the effect of limiting political debate on the floor of the Parliament and in the committees. We can see an example of this from a comment a key interest group made when he was rationalising why his organisation would go to the civil servants first regarding amendments. In the course of his comments he implies that making technical corrections to the Bill is best done in the 'network' - of which the opposition members were not part. This also means that wider political (and hence public) debate is limited to those who are either part of the Executive or who have become participants in the Executive's policy machinery. He told me:

...the Executive civil servants might come back to you and say 'oh no the Bill doesn't give that effect, you don't need that amendment because another clause would do what you want' and you think 'oh well that's fine'. Now imagine going to an SNP and saying 'table that amendment' and they said 'oh those sound like a good idea'. And what happens is that Jackie Baillie or Margaret Curran would politely - maybe actually say 'oh actually this amendment is unnecessary because of this, this, and this'. MSPs look stupid, you know. It's an amendment that's wasted everybody's time. The clerks, the parliamentary bureau, everybody's time has been wasted [Respondent 24a].

The key interest groups not only employed similar strategies in order to affect legislation but they shared concerns about the effectiveness of the proceedings at stage two. One typical comment was based on the nature of the discussions and quality of debate that took place. One representative of a key group noted:

...I thought the quality of debate was pretty poor. It wasn't a debate at all. It was simply a range of statements from different speakers. It never got into an actual debate about the areas involved. That meant things couldn't be picked up properly. There were occasions where they did come outside that formula but that was towards the end of the process [Respondent 27b].

And another also commented:

...there were so many amendments where people were just reading something out - a very brief argument for the thing and then there was a brief response and a straight vote. It was a bit choreographed to a certain extent...It just seemed to be someone reading out a brief and then a response and then straight - well you kind of thought that in there there's a nugget to grab. Have a bit of a go at that and see if you can get something out of it? Maybe the MSPs need a less formal bit in which they can do that kind of developing [Respondent 28a].

The last comment is revealing bearing in mind that "the less formal bit" he suggests could simply take the form of another policy network. It could be argued that this is not ideal since it would create yet another arena for decision making that would be relatively impervious to external influence. It is noteworthy that a representative from an interest group implied that the use of these informal

mechanisms was an acceptable trade-off for more effective legislative scrutiny from MSPs - even if such scrutiny can only take place in more private spaces.

One Labour/Liberal Democrat MSP offered her viewpoint on the nature of the debate at stage two, saying:

...the quality of the debate is down to how people are with their brief. How clear they are on individual amendments. [Respondent 2].

Interest groups disagreed, believing it was the politicking among MSPs in the committee coupled with the way in which the debate was managed by the Executive and the Labour group, rather than the inability of MSPs to get to grips with their brief, that was the reason behind the poor quality debate.

As one noted:

[it]...reminded me of Westminster actually because I'd seen in my youth the passage of the 1988 Act at Westminster and some of the committee workings there...There was a lot of people to make up the numbers but only a few participated in the exchange [Respondent 28a].

Another commented:

...I've been involved in two or three of the Bills going through Parliament and I've still to work out stage two - I'm not convinced by it...or stage three. Stage two is supposed to be the time where you can debate the thing, debate amendments...well now it just goes along party lines and unless the Executive are right behind it...[the amendment]...at stage two there's no chance of it going in [Respondent 47].

Another also felt that the "the party politics and the point scoring wasn't particularly helpful" [Respondent 27b].

A number of reasons were forwarded why the committee proceedings at stage two were disappointing. These reasons, for the most part, reflected the way in which the legislative process was being managed and carefully controlled by the Executive. Not only were the Executive generally unwilling to accept opposition amendments, but the same was true of Labour members. Labour MSPs never 'broke rank', always voted together and with one exception - fuel poverty - they always supported the Executive line. Labour members were subsequently seen as 'stooges' and 'voting fodder' despite the fact they were brokering some deals with Ministers; their disagreements and compromises were simply done in private. Key groups were similarly entering into discussions with Ministers, civil servants and Labour MSPs. This was not only a reflection of where interest groups perceived the relative distribution of power to lie, but it was also a direct consequence of how the process was being carefully managed.

For civil servants managing the process required meticulous planning and preparation. As one noted: ...you need to know what sort of things are likely to be raised during the parliamentary process...that means a process of dialogue...we were able to have a debate with them...[the interest groups]...before we got into Parliament. You are able to think them through. The vital thing is to think these things through in advance...If you are 'quote' ambushed at the last moment with a proposal that you haven't really thought about then this may have all manner of unintended consequences...So I think the key thing is to try and make sure that you have had a debate before hand with the interest groups [Respondent 18].

The emerging picture is one of a network of bureaucrats, Ministers, Labour MSPs and key groups building up relationships with one another, exchanging information and on many occasions entering into negotiations in order to reach common ground. The network, dominated by the Executive, had an exclusive membership made up of the usual suspects which by design kept the opposition on the margins of most of the process throughout stage two. However, for this well oiled machine to work, it required its key constituent parts to function as intended and, as we shall see, a deviant component can lead to unintended consequences that not even the policy network can control.

*Amendment ninety three*

Amendment 93 stated:

[w]here a local authority has a duty under section 31 (2) (duty to persons found to be homeless) of the 1987 Act in relation to a homeless person, it may request a registered social landlord which holds houses for housing purposes in its area to provide accommodation for the person, having regard to the allocation policy and other policies of the social landlord (*Scottish Parliament: 2nd Marshalled list of amendments for stage two*).

Amendment 93 was tabled by the SNP and was supported by the other political parties represented on the committee - the Conservatives and Liberal Democrats - with the exception of the Labour members. The amendment was passed to the surprise of the Executive, Labour MSPs and interest groups since no opposition amendment was expected to be successful given the developing pattern of voting behaviour in the committee even at this early point during stage two. The SNP's reasoning behind the amendment was to ensure that registered social landlords (or housing associations) would not automatically have a blanket duty imposed on them to house homeless people. Instead any request made by a local authority to a housing association to house a homeless person would be made in light of that housing association's allocations policy which could, for example, be a commitment to house elderly people or disabled people and thus may be inappropriate to house a homeless person.

This proposal had earlier been discussed in the Homelessness Task Force and one of the participants (group 24) had wanted to pursue it. The general feeling on the Task Force was that this would give housing associations a loop hole to get out of legally having to house homeless people and so the Task Force steered clear of making such a recommendation. Group 24 was also happy not to pursue this area given indications there would be further concessions elsewhere.

The passing of amendment 93 created a furore between key policy players and opposition MSPs. The Homelessness Task Force felt their hard work and recommendations had been instantly rubbished, as the director of Shelter Scotland wrote in the 'Herald' (26th April 2001):

...at one stroke, the improved access to permanent housing for homeless people that has been developed by the Homelessness Task Force over the past two years has been destroyed.

The chair of the SFHA, in a letter to the Editor, also felt the need to put pen to paper, writing:

...the SFHA did not ask for this amendment, does not support it and hopes that it will be addressed at the next stage of the Bill (*The Herald*, 26th April 2001).

MSPs who supported the amendment defended their position by acknowledging the expertise of the Task Force but insisted that ultimately it was they - the elected representatives - who were responsible for making legislation. As one noted:

...to some extent I think it's our job to not let even the well-intentioned organisations - who I work closely with - make legislation if you like because it's still up to the committee to satisfy themselves that this is the proper way to do it [Respondent 1a].

another commented:

...they...[the groups on the Task Force]...had a particular view and it was like nobody else was entitled to have a view - ridiculous really [Respondent 8].

The SNP, responding to the critical comments interest groups were making about them, attacked these organisations for working too closely with the Executive. The SNP could not understand why group 24 had not come out and publicly supported the amendment given that group 24 represented many housing associations who might not necessarily want to have a statutory duty to house homeless people imposed on them. Group 24 though had previously pushed for this in the Task Force but the consensus among others in the Task Force was that it should not be pursued as it would create a 'get out' clause for housing associations who might use it in their defence to refuse a homelessness application. The SNP felt some of these groups were 'selling out' their members and as one group reflected:

...the SNP were not happy with us, let's put it that way, and wouldn't talk to us and ignored us in the street...[the director of this organisation]...had a meeting with Fiona...[Hyslop]...and she started to give...[the director]...a row...Brian Adam got in contact with me the next day and put forward his opinion about...[the organisation]...which wasn't very nice and a little bit over the top to be honest [Respondent 27b].

The SNP were disappointed that not one interest group had approached them earlier to voice their opposition to this amendment. As one MSP noted:

...I find it absolutely bizarre and interesting because this particular amendment had been lodged two to three weeks before it was discussed...[and]....there was no indication at all of their strength of feeling about this [Respondent 11].

The reason why the SNP had not been approached was that key groups like 24 and 27, as mentioned earlier, had not anticipated any of the opposition amendments being successful and hence these groups were not spending time lobbying the SNP. As the representative of group 24 reflected:

...you could argue as Fiona...[Hyslop]...did that 'why didn't you notice it, and the implications of it?' and to a certain extent she's right...but because it was an SNP amendment we didn't feel the need to brief against it because when you look at it I bet you can count on the fingers of one hand the number of SNP amendments that went through [Respondent 24a].

He went on to add:

...we've had a lot of expressions from the SNP that they are fed up with...[the organisation]... because we didn't use them enough, we didn't seek their assistance in putting down amendments and instead we were doing little deals with the Executive...and I say...that is such a fundamental misunderstanding of the parliamentary process [Respondent 24a].



Shortly after the committee meeting the Minister issued a press release where she stated that the Executive:

...would seek to reverse this ill considered amendment which damages the rights of homeless people (*Scottish Executive, 2001. 'Homelessness amendment does not consider rights of homelessness people: Jackie Baillie' 26th April 2001*).

One respondent from another key group who was not represented on the Task Force reflected on the unique and rather comfortable position Jackie Baillie found herself in. The Executive could claim that opposition parties were damaging the rights of homeless people, while many interest groups, like Shelter, were simultaneously attacking opposition parties. Respondent 23a felt the tactic of getting the SFHA behind the Executive was important in undermining the SNP's claim to be looking after the interests of housing associations. A civil servant, commenting on the political position in which the Minister found herself, stated:

...well at a political level she was quite pleased to find herself on the same side as Shelter and all the other homelessness organisations and being able to rowdily denounce the SNP. It was a strange situation to be in though, politically, but then again a good one to be in, politically [Respondent 18].

Amendment 93 brought many issues to the forefront even though the reality of the amendment from an implementation point of view may not have warranted such heated exchanges. As one MSP reflected:

...everyone got carried away with amendment 93 and it's not half as important as people thought it was...Shelter and others got carried away...it became nevertheless a thing where the Minister thought there was a political issue to play with [Respondent 1a].

The politics surrounding this amendment became more important than the amendment itself because the SNP in effect bypassed the consensus that had emerged in the Task Force by not consulting or agreeing with key groups. The key groups though had themselves omitted to lobby against what, in their eyes, was a poor amendment: as experience had taught them that it would be blocked as a matter of course. The temporary shift in the balance of power within the committee to the opposition parties saw the Executive momentarily lose control. The Executive quickly sought to regain their position by calling on the support of homelessness groups in the housing lobby to denounce their support of the amendment which helped to undermine the credibility of the arguments forwarded by the SNP and amendment 93 more generally.

### *Stage Three*

On Wednesday 13 June 2001 the Housing Bill entered the final stages of the legislative process. The stage three debate lasted approximately eight hours. In total seventy seven Executive amendments appeared in the marshalled list of which seventy three were tabled. Of the seventy three Executive amendments (which were those amendments tabled by either Jackie Baillie or Margaret Curran) all were passed. Seventy one amendments were passed without a division - that is with the full support of all MSPs in the chamber; the other two went to a vote which the Executive won. Amendment twenty

seven was supported by sixty six MSPs which broadly included the Labour Party and the Liberal Democrat Party. Amendment fifty nine was voted for by sixty eight MSPs of which most, once again, were Labour and Liberal Democrat members<sup>39</sup>.

In total one hundred and twenty five non-Executive amendments appeared in the marshalled list of amendments of which sixty eight were tabled. The remaining fifty seven were either withdrawn or 'not moved'. Of the sixty eight non-Executive amendments that were tabled, two passed without a division. These were amendments one hundred and ninety eight which was tabled by Labour MSP, Michael McMahon, and amendment one hundred and seventy five which was tabled by Mike Watson, another Labour MSP. As can be seen from Appendix M the remaining sixty six amendments were tabled by either the SNP, the Conservative Party, the Scottish Socialists, or the Greens of which none passed.

Party discipline and the operation of the party whips at stage three all but rendered the opposition parties ineffective. One SNP MSP commented that stage three was:

...frustrating - frustrating...like a gladiator going into the Colosseum. You know, you're going to fight gallantly but you're going to end up dead at the end...we gave it our best shot. I think we did rather well against all odds [Respondent 14].

None of the opposition parties got any amendments passed at stage three and no Liberal Democrat MSP tabled an amendment. This is not to say the Liberal Democrat MSPs were shut out of the process like the opposition parties, but simply that the Liberal Democrats, as coalition members, had sought to influence Labour members of the Executive away from parliamentary and public scrutiny. As one MSP told me:

...many amendments at stage three were actually amendments promised to me or others...the ones on the right to buy were moved by Labour members at stage three but were really things where there'd been a lot of input by people like myself [Respondent 1a].

Many of the Executive amendments that were passed may indeed have originated from the Liberal Democrats. It could be the case that the Labour Executive members were willing to take on these ideas if they could draw the amendments up themselves (obviously with the support of the lawyers from the civil service) and subsequently table them in their own name. Similarly, a small number of organisations, like group 27 and 47, had been successful in persuading the Executive to bring forward amendments at stage three. However, due to the timing of many of my interviews it is impossible to get a bigger picture of how many groups were successful in lobbying for change at this late stage in the legislative process. What can be said, though, is that most groups felt the earlier you entered into the legislative process the better. One comment from a representative of group 28 sums up the typical

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<sup>39</sup>See Appendix M for table of amendments and results.

feeling among those whom I interviewed. The director of the organisation told me “the earlier you influence the greater the chance you have of making change” [Respondent 28a]. And for those groups that had not developed a ‘pecking order of importance’ in relation to going to the Executive first, then Labour members and so on, they would have been unsuccessful in their attempts to influence legislation at this stage since only two non-Executive amendments were passed, both of which were tabled by Labour members.

There was a feeling among the representatives of groups 23, 24 and 27, whom I sat beside during the stage three debate, that MSPs on the floor of the chamber were simply going through the motions and certainly by the afternoon session there were rumblings in the public gallery that the debate had become mechanical and tedious. It appeared that no matter how persuasively the opposition parties argued the case for their particular amendments they would fail to be successful, just like the guarantees that could be made regarding the Executive amendments which were passed with the combined support of the functioning majority of the Labour Party and the Liberal Democrats. The party discipline in the chamber was alluded to by the final, and most senior, civil servant whom I interviewed (note his use of ‘we’ in the quote which gives an insight into how he viewed his involvement in the process). He reflected:

...the final stage on the floor of the chamber did become much more of a Westminster type of occasion because we didn’t lose any votes whatever and it was very much more of a whipped type of occasion [Respondent 18].

Party discipline operated across all the major political parties. The voting records in the Official Report show that in nearly all occasions the SNP MSPs would vote the same way, while the Conservatives would similarly vote en block and so on. What can also be drawn from looking at the voting behaviour of MSPs is that while the Labour and Liberal Democrat Parties never (*en masse*) supported any of the opposition parties’ amendments, the SNP, the Conservatives and even, on occasion, the Scottish Socialists generally supported the Executive line. This is illustrated by the seventy one Executive amendments that were passed without a division. Indeed, only twice did all of the opposition parties fail to support an Executive amendment. Therefore, a similar voting pattern emerged from stage three as it had in stage two. As discussed earlier, during stage two there was also a reluctance on the part of the Executive to accept opposition amendments. A number of reasons were forwarded for this, such as, civil servants preferring to draft amendments themselves in order to avoid any legal loopholes, to Labour MSPs commenting that they could not support the overwhelming majority of SNP amendments because they did not make sense, or that the amendments did not fit within the framework of the Bill, or that they challenged the devolution settlement. Perhaps these answers would also be given as a rationale as to why the Executive parties did not support any opposition amendments at stage three. However, perhaps a reluctance on the part of the Executive to concede anything, coupled with an overriding desire to control any unpredictability in the legislative

process, and in the implementation of the Bill to follow, might also be part of the answer.

There is one area of the debate at stage three which is especially worthy of attention. The discussion centred around amendment 27 which, as can be seen from Appendix M, the Executive successfully tabled, albeit after a vote in the chamber. This amendment was unique at stage three since it was the only amendment that was laid which had the effect of overturning an existing amendment passed at stage two with the support of the SNP, the Liberal Democrat and Conservative members on the Social Justice Committee. As I explained earlier, during stage two of the committee proceedings, the SNP tabled an amendment (amendment 93) that was supported by all the political parties on the Social Justice Committee with the exception of the Labour members. The purpose of the amendment was to give registered social landlords an 'opt out' clause from having an automatic duty to house a homeless person. After this amendment was passed in the committee Jackie Baillie made it clear that she would seek to overturn the amendment at stage three since this 'opt out' clause was not compatible with what had been recommended by the Homelessness Task Force. The Homelessness Task Force had wanted all registered social landlords to have a duty to house a homeless person irrespective of their allocations policies. During the stage three debate, Jackie Baillie told MSPs:

...Executive amendment 27 would reverse the effect of amendment 93 which was passed by the Social Justice Committee at stage two. At that time, I made it clear that because amendment 93 inserted wording that is unacceptable, the Executive would seek to reverse it by lodging an amendment at stage three. When the Homelessness Task Force made its recommendations, it was clear that when a local authority transfers some or all of its stock into community ownership, the rights of homeless people must be protected [*OR 13 June 2001: Debate on Stage Three of the Housing Bill. Col 1337*].

She went on to add - and note the inclusion of interest groups in her statement:

...reversal of amendment 93 is supported by Shelter, the Scottish Federation of Housing Associations and other Task Force members including the Big Issue in Scotland, the Scottish Council for Single Homeless, Glasgow Council for Single Homeless, CoSLA, Positive Action in Housing, Glasgow City Council, Glasgow Women's Aid, Dumbarton law centre, Dumbarton citizens advice bureau - the list is endless. I urge the chamber to support the Executive amendment 27. The SNP has plainly got it wrong. Its actions are misguided and it has ignored the needs of homeless people [*OR Col 1338*].

The SNP, however, disagreed. Linda Fabiani argued that no evidence had been provided that registered social landlords would use this 'opt out' clause to shirk their responsibilities to house homeless people, stating:

...I emphasise that at no point in all this talk has any evidence been produced - by anyone in the chamber or by any lobby group - that shows that housing associations do down homeless people [*OR Col 1341*].

She went on to add:

...the Homelessness Task Force is appointed by the Executive. I have great respect for the people on that Task Force but we have to guard against complacency among MSPs who believe that only the representatives who sit on the Task Forces are able to recognise what happens on the ground...The Executive sits on Task Forces, discussing things and doing little deals and we come along and upset the apple cart...and the Executive turns all its forces

against us. Why do some MSPs in the chamber not think for themselves? *[OR Col 1341]*. Jackie Baillie rejected Ms Fabiani's accusation that the Executive had in effect compromised the position of groups who had been members of the Task Force, stating:

...I reject any notion - I am sure that they will do so themselves - that organisations such as Shelter Scotland, who have a wealth of experience to contribute, are in some way not independent of government. I respect their right to be independent. We in the chamber and in the Government do not know it all. It is important that we involve civic Scotland in what we are doing. If the SNP is suggesting that it will reject that, civic Scotland should think carefully about its dealings with the SNP *[OR Col 1342]*.

Fiona Hyslop maintained that ultimately it was the Parliament's responsibility to probe, scrutinise and even disagree with any amendment: even those which had been recommended by a body of experts, representatives or a combination of both. She told those in the chamber:

...we have the responsibility at stage two and three to scrutinise amendments - whether they are from the Executive or a Task Force - in open debate. That is what stages two and three have been about *[OR Col 1342]*.

Robert Brown noted his disappointment in the nature of the debate which, at this point, had become rather heated especially in light of the public criticism made by the SNP towards some groups in the housing lobby. He commented "the tone of debate this morning has not been a particular credit to the Parliament" *[OR Col 1342]*.

The heated exchanges within the chamber overshadowed the implications amendment 93 had for the respective roles of the committee and the Parliament and the extent to which power sharing had genuinely taken place between the Executive and the parliamentarians (and more specifically the committee members) in the Housing Bill. As one SNP MSP commented:

...we were led to believe that this Parliament is committee led...we got one amendment through and when it came to the actual stage three debate they...[the Executive parties]...voted against it. It made the whole workings of the committee and the Bill a laughing stock basically because that's not the way it was designed to be set up *[Respondent 9]*.

The debate at stage three threw up two - almost contradictory - points. The first was that despite the Parliament having a unicameral chamber, this did not mean that earlier legislative proposals which had perhaps been ill thought out would see their way on to statute. The overturning of amendment 93 by amendment 27 at stage three demonstrated that the Parliament as a whole had effective measures in place to scrutinise legislation. Almost by contrast, the successful tabling of amendment 27 undermined the role and work of the Social Justice Committee. Whether amendment 93 was well thought out or not, is not relevant here, but what is pertinent is that three out of the four political parties that were represented on the Social Justice Committee voted for it, yet at stage three the Executive used its combined functioning majority in the chamber to overturn it. In total, sixty six Labour and Liberal Democrat MSPs voted for amendment 27 and forty four Conservative and SNP



members voted against it. Robert Brown - the Liberal Democrat member on the Social Justice Committee who had previously voted for amendment 93 - abstained.

With the exception of amendment 27, stage three was essentially about 'rubber stamping' the legislation as opposed to MSPs putting any meaningful input into it. At stage three, the amendments were grouped together and voted on at the end of a section of a Bill. Many MSPs left the debate after a block of amendments had just been voted on and would return to vote, sometime later, after the various discussions had taken place, when the Presiding Officer or his deputy called for the next set of amendments to be voted on. Many MSPs were seen to be rushing into the chamber to vote on amendments even though they had not heard the arguments in favour of or against them. I put this observation to one of the opposition MSPs who responded:

...that's what happens all the time in every debate...It's what happens at Westminster and I'm sure what happens everywhere else...I think it's just a question of people having other things to do. The fact that so many people were prepared to sit through all that and might not have had a clue what was going on. It must have been very boring...[for them] [Respondent 7].

In keeping with the argument forwarded by Richardson and Jordan who rejected parliamentary government in favour of a Government-civil service-pressure group focus (1979:41-42), stage three of the legislative process was, for the most part, about going through the motions. In the chamber, parliamentarians were not assessing the merits or otherwise of legislative amendments, relying instead on the party whips to determine which way to vote.

### *Conclusion*

The evidence relating to stage one suggests it was simply procedural and not especially effective or influential. This stage might be viewed differently by both representatives of interest groups and MSPs alike if there was not the same degree of consensus across political parties for a piece of legislation as there had been for the Housing Bill. The two hours and ten minutes that it took to discuss the general principles of the Bill by twenty two MSPs (seven of whom were from the Social Justice Committee) demonstrated the almost routinised and 'regular' approach that was taken to this aspect of the legislative process, while adding weight to the argument forwarded by those who advocate a post-parliamentary and policy network focus, such as Richardson and Jordan (1979), Rhodes and Marsh (1992) and Rhodes (1997) that the traditional Westminster model of explaining policy making should be replaced with an analysis of the differentiated polity which is characterised, amongst other things, by policy networks and governance.

That said, stage two was taken more seriously given its role in providing MSPs with the only real opportunity to amend legislation. Timescale and partisanship rendered this stage less effective for opposition parties than it could otherwise have been, although the strategies employed by Labour members on the committee appeared to empower their bargaining position with the Executive. Interest



groups responded to the emerging dynamics in the committee and developed a 'pecking order of importance' in order to maximise their chances of affecting change.

Stage three was attended by most of the one hundred and twenty nine MSPs and lasted nearly six hours longer than stage one, which was more a reflection of the party whip system operating rather than some new found interest in housing policy. All seventy three Executive amendments were passed, the vast majority of which passed without a division, reiterating the broad agreement that existed across parties on many of the policy issues. None of the opposition parties were successful in getting any of their sixty six amendments passed which suggested all sixty six amendments were unsuitable or that there was a reluctance on the part of the Executive to accept opposition amendments.

Stage three demonstrated the power of the whole Parliament - led by the Executive - to overrule decisions taken in the committee. This could be interpreted as either the Parliament performing an effective scrutinising function over the work of committees, or alternatively it could be an example of the committees' scrutinising role over Executive policy being curtailed by an Executive all too willing to utilise its combined functioning majority to get its legislation through the parliamentary process relatively unchanged. Indeed, as a civil servant, responding to my observation that the legislative process had been carefully managed by the Executive, replied:

...I'm really pleased you thought the whole process was stage-managed because that's a success rather than a failure on our part....the Minister want[ed]...to get her Bill through relatively unscathed...it was a successful piece of legislation and from the Executive's point of view you ought to have no surprises [Respondent 18].

At the end of the stage three debate the Presiding Officer tabled the motion *SIM-2000* which, in the name of Jackie Baillie, sought agreement that the Housing Bill would be passed. The motion went to a vote and at twenty two minutes passed seven on the 13th June the Housing Bill was passed by one hundred and fourteen MSPs. One MSP, Tommy Sheridan, voted against it.

## *Chapter 10*

### *Conclusion*

#### *Introduction*

This thesis has examined the legislative and wider policy making processes of the Scottish Parliament. One piece of legislation - the Housing (Scotland) Bill - was followed through most of its development, legislative scrutiny and amendment, to its natural conclusion in the form of an Act of Parliament. This last chapter will summarise the main themes in the thesis, reflect on the methods employed and the strengths and weaknesses of the research design, and offer comments on how this informs the debate on devolution and policy making more generally.

#### *Summary of Main Findings*

##### *MSPs - their Roles, Attitudes and Decision Making*

All the MSPs who were members of the Social Justice Committee which was the lead committee in scrutinising the Housing Bill were interviewed, along with eight others who were not members, but who played more of an active part in the Bill than their backbench colleagues. For the majority of these MSPs, the first formal part of the legislative process they were involved in was gathering evidence from interested parties in preparation for their writing of the stage one report which would be presented to the Parliament for all MSPs to either accept or reject its general principles.

MSPs from all parties expressed preferences about who they thought should be invited to give evidence and, unsurprisingly, this reflected political and constituency considerations. They were well aware of the expectations placed upon them not to restrict their consultations to the 'usual suspects' and, according to most of the interest groups, they successfully managed to do just that. This desire to 'reach out', while real, did not stop MSPs from the coalition parties from filtering out the tenants' groups who were critical of some of the proposals contained in the Bill. While these groups were invited to the committee to give evidence, they were not favourably received by Labour and the Liberal Democrats who saw these groups as not being especially representative and having a tendency to provide poor quality evidence.

Despite there being a functioning majority on the Social Justice Committee, it did not merely rubber stamp the Executive's proposals. Issues flagged up by the committee for the Executive to reconsider included additional modifications to the right to buy and the inclusion of fuel poverty, which were not contained in the original consultation document. The Social Justice and Equal Opportunities Committees both highlighted a number of equalities issues, such as the lack of child proofing and the omission of an overarching equalities statement from the Executive's draft Bill. It seemed that while the representations made by the equalities groups did not make their way onto the Executive's revised proposals, the parliamentarians were quicker to realise the expertise of such groups. MSPs were not

given sufficient time to discuss the general principles of the Bill at stage one, but even if the parliamentary bureau had been more generous in its timetabling, it is doubtful this opportunity would have been seized by many others. The stage one debate had a routinised and mechanical edge to it, while reflecting the usual partisanship between the SNP and Labour. All members from the Social Justice Committee contributed to the debate, many taking the opportunity to reassert the breadth of consultation they had undertaken, which stood in contrast to what many latterly confessed during the interviews; many felt they had not successfully targeted local groups.

Stage two was where MSPs on the lead committee were expected to come into their own: effectively scrutinising and amending legislation, but to a large extent this turned out to be a damp squib. The combination of three Labour members always voting together, always supporting Executive amendments (with one exception), and only once supporting an opposition's, coupled with a convener who always voted for the status quo when there was a tied vote, rendered the Conservative and SNP members ineffective. Amendment 93 was the only visible example of the committee successfully modifying one small part of the Executive's housing and homelessness proposals, which was overturned at stage three by an Executive using its combined functioning majority to replace the earlier consensus between three out of the four parties that had taken place in the committee.

Opposition MSPs expressed disappointment and frustration that Labour members only once supported one of their amendments. Labour members shied away from accusations that they were indulging in crude party politicking, stressing that the SNP amendments challenged the devolution settlement or failed to understand what the Bill was about. Labour MSPs acknowledged that in the committee it may have looked like they were uncritically supporting the Executive line, but maintained it was they who were the real power brokers. Their meetings with Ministers, away from public and parliamentary scrutiny, better positioned them to work through their disagreements in order to reach some common ground. However, there was one occasion where the Government flexed its muscles, leaving some Labour members reluctantly supporting the Executive line.

Out of these discussions, Labour members were given amendments that had been drafted by civil servants to table in their name, but initially it was unclear who was influencing who. Labour members were being given technically correct amendments to bring to the committee with the full backing of the Executive. The amendment relating to tenant participation was one example of this and the process whereby the better informed interest groups were lobbying sympathetic Labour MSPs, even though Ministers had already turned down that group's request, and subsequently getting their amendments tabled by a Labour member with the full support of the Executive, is another. While this may suggest Labour members were holding the Executive to account, some of the expressions by civil servants implied the balance of power was weighted in the Government's favour. The amendment relating to the right to buy which Karen Whitefield tabled seemed more of an example of the Executive

controlling both the timing and impact that key amendment would have, rather than a knee-jerk response to the pressure it was under from its backbenchers.

There is little doubt the Labour group's tendency to work discreetly to arrive at an acceptable consensus with the Executive was beneficial to both sets of actors. The sum of the committee though is greater than its parts, and the Labour MSPs' tactics not only made others in the committee redundant but undermined the potential effectiveness of the committee stage. Interest groups commented on the choreographed nature of stage two, and the lack of any genuine debate or dialogue. The more involved organisations modelled their strategies on what they rightly perceived to be the balance of power in the committee, developing a pecking order of importance for briefing and lobbying MSPs. This reinforced the SNP's peripheral position and when it came to amendment 93 (at stage two) and amendment 27 (at stage three) they appeared less involved in the legislative process than some of the better resourced interest groups, particularly those from the homelessness lobby. The SNP was critical of the Executive for co-opting these groups into its various forums, while being equally so towards some of the key groups for letting themselves be compromised. The Executive and interest groups denied these accusations, although a small number of representatives empathised with the excluded position the SNP found itself in.

The party whip operating at stage three meant that no amendment from the opposition parties was successful. This contrasted with those tabled by the Executive where they were all passed, some without a division, demonstrating that while Labour and the Liberal Democrats were unwilling to accept any legislative modifications from other parties, the same could not be said of the SNP, Conservatives and even the Socialists. In view of this, a handful of representatives from interest groups believed the Executive had to alter its mindset and embrace concessions for what they were: not as a sign of political weakness, but as adding tangible improvements to public policy through partnership working.

#### *Civil Servants - Managing the Process*

Four of the most involved civil servants in the Housing Bill stressed the breadth of their pre-legislative consultation exercise. Indeed, of those that responded to the survey, nearly all (94%) were aware of a forthcoming Housing Bill and 57% of these formally responded to the consultation document. Officials filtered these responses by gravitating towards groups willing to work within the existing policy parameters and the ones prepared to enter into negotiations. Unlike the study by Whiteley and Winyard (1987:132-133) which found that civil servants favoured promotional as opposed to representational groups, these civil servants conflated the two, although could easily identify who the key groups were. For the most part, officials valued the resource of knowledge and technical know-how this select number of groups could offer them, and while one of the core groups, group 24, had been sidelined by Labour MSPs for pursuing less than sophisticated strategies, its knowledge,

representative base and implementation power were too great for officials to do the same. This suggested that the legitimacy accorded to organisations by officials is often more contingent upon the resources of that group rather than, as Grant would imply, the strategies that group pursues (*Maloney et al: 1994:29*). That said, while resources are important so too is ideology. Interest groups naturally have a much better chance of being favourably listened to if their ideology matches that of policy makers.

The most senior civil servant I interviewed stressed how important it was to manage the process and to control for, and anticipate, all avenues of unpredictability. In relation to the right to buy, the Executive went through various ninety degree turns and privately was prepared to amend the discount levels more than it eventually did. In the end, the amendment tabled by Karen Whitefield proved sufficient for both backbenchers and key groups and as such “was the final thing that carried it through and really paved the way” [Respondent 18]. The Executive trade-off was necessary in order to ‘keep people on board’ and it did so without having to compromise on the general principles of the Bill.

#### *Interest Groups*

Groups pursued a range of strategies and, not always related to these strategies, occupied different levels of influence. Most groups managed to negotiate over the first low hurdle of responding to the Executive’s consultation exercise; others supplemented this by contacting MSPs, civil servants and Ministers. Some sat on working groups and the Homelessness Task Force and many gave evidence to a committee. Much of the discussion relating to groups highlighted that the distinction is often not between insiders and outsiders (while this remains important) but on the gradations of different levels of influence. Most of the key groups preferred to engage in low profile as opposed to high profile strategies believing that working behind the scenes would prove more fruitful than a high profile campaign. Organisations 24 and 27 were examples that this was not necessarily true, since groups can pursue high profile strategies while maintaining core insider status.

Linked to this, the experiences of groups 24 and 54 highlighted the importance of using the mass media as a tool to cajole the Executive. The status accorded to these organisations differed, but they shared similar experiences. They both felt their group’s willingness to use a more direct and critical approach in its campaigns won them trade-offs with the Executive. By agreeing not to issue any more negative press releases or organise another public demonstration they would be granted concessions by the Executive. In return, group 24 got modifications to the right to buy, while organisation 54 was equally pleased when the Executive made a commitment to eradicate fuel poverty in fifteen years. While a cautionary note needs to be added, bearing in mind many other actors (groups, MSPs and civil servants) would also take credit for these changes, it does nonetheless highlight the role of the media in shaping the climate of opinion - an area this thesis has not addressed.

### *Policy Networks*

In keeping with the research outlined in the Marsh and Rhodes (1992a) edited collection of case studies, this single case study has similarly found that the existence of policy networks can, to some extent, affect policy outcomes. Take the tight and stable policy network of the Task Force for example, which is nearer the policy community end of the policy network spectrum. Here the Executive was central in setting the agenda, thereby filtering out and excluding significant issues from the decision making process. Other members of the Task Force wanted to discuss housing supply and the impact of the extension of the right to buy but addressing housing supply had enormous resource implications, while the right to buy formed one of the cornerstones in the proposed Housing Bill. The civil servant who often chaired the discussions did not accept that members of the Task Force had been unable to have these debates, while other participants felt these discussions had been constrained. That said, a consensus did emerge from the network in relation to immediate legislative changes to the current homelessness legislation. This consensus was seen by others outside the network, such as group 29, as not being radical enough. Group 29 was invited to give evidence to the Task Force but its impact was insignificant given it was calling for legislative changes other members of the network, dominated by the Executive, had already ruled out. These policy proposals, while the outcome of a bargaining process, were also indicative of the common consensus that had developed between members.

The glue that holds the network together (which also distinguishes networks from one another) is one based on participants, over time, forging relationships. These relationships are normally rooted in resource-exchange and involve coalition building. Members of the Task Force formed alliances. Unsurprisingly, those broadly representing local authorities shared similar interests while those from the voluntary sector also found common ground. More important than this though, was that participants were engaged in a bargaining process and were willing to accept certain trade-offs. It was suggested by the civil servant who chaired the Task Force that Shelter had backed down over its initial insistence that the extension of the right to buy should be reconsidered when it became clear that it was going to get concessions elsewhere. Organisation 24 found itself in a similar position in that it too ended up being persuaded by the Executive to drop one of its demands from its 'shopping list'. Representing housing associations, it had initially wanted to protect housing associations' allocations policies and resisted initial proposals that housing associations should be obliged to house homeless people. Group 24 was eventually persuaded not to pursue this route as there would be Executive movement elsewhere. As a result, immediate, 'fire fighting' recommendations were proposed by participants in the network. If groups like 29 had been included or if the agenda within the network had not been dominated by the Executive then the policy outcomes could well have been different.

The inclusion of group 35 in the Housing Interests Group, highlighted that while networks differ, so too does the position of those inside the network. The reasoning behind group 35's inclusion in the



network was unclear, but its position in the network was peripheral, and in terms of developing the network theory it illustrated that groups can be in the network but not necessarily involved in a positive-sum game.

Organisation 35 represented the tenants' movement at the national level and given that tenants' organisations have often felt excluded from decision making, with the Scottish Office preferring to consult with local authorities or housing associations, its inclusion could well have been about the Executive parachuting in outsiders in a real attempt to involve others. Alternatively, the Executive could have been hoping this group's involvement in the network would add credibility to the policy outcomes that emerged from it, and win them support from the grassroots. Either way, its membership of the network is important for network analysis in that it reinforces the importance of distinguishing between the characteristics of members in the network and the characteristics of the network itself.

That said, an analysis of the characteristics of the actors within the network is important in order to identify a pattern of the types of groups typically included and excluded from it. Marsh and Rhodes recognise the valuable resource actors bring to the network, such as being service providers or implementers, which is necessary for an exchange based relationship between participants to exist (1992:251). Again, the Task Force provides an illustrative example, demonstrating those invited into it were the better resourced groups within the housing lobby, although not necessarily financially. Participants 24, 25 and 27 brought to the network the resource of implementation power in their respective roles as providers of a range of services and support needs for homeless people.

While the policy network literature highlights the importance of these resources it feels no need to separate out those invited into the network into whether they are representative (bringing with them the resource of being an implementer or being able to deliver 'compliant' members) or those who participate in their capacity as experts (and hence contributing the resource of knowledge). For the exponents of policy networks such resources are bound together generically, but, with regard to how policy is made in the Scottish context, separating the two is a distinction worth making. The Task Force was about opening up policy development to experts in the field, but by the same token it was also about including representatives of civil society in policy development. And while these two are not necessarily mutually exclusive, being aware of their difference is nonetheless important given that some members of the Task Force believed they were there in a representative capacity, yet they were unable to consult their members due to the discreet nature of the discussions within the network which they were privy to.

The barriers to entry around the network that are penetrated only by those who normally have something to trade (and are willing to trade) also includes the 'resource' of geographical proximity. While this particular resource is not recognised in the literature, the survey highlighted the significant

link between geographical location and contact with MSPs, civil servants and Ministers. With the exception of those organisations with their headquarters in England and Wales, those groups with headquarters in Edinburgh enjoyed more regular contact with political actors than groups located elsewhere in Scotland. While this supports the decision of many organisations to relocate or set up offices in Edinburgh to be closer to the Parliament, a cautionary note needs to be added. While the resource of geographical proximity may facilitate entry into the policy network, the organisation must have something else which the network values if it wants to be in the core of the network and not sidelined to the periphery of it.

The survey did, however, seem to refute the general assertions made in the pressure group literature that policy makers and, in particular, civil servants have a tendency to gravitate towards resource rich groups, as well as challenging the underpinnings of the policy network approach which emphasises the importance of resources in accessing and influencing the network. The survey showed there was no link between an organisations' financial turnover or staffing levels and the frequency of contact that organisation had with policy makers. It was only the number of offices an organisation had compared with frequency of contact with MSPs, Ministers and civil servants that was proven to be significant. These results highlighted the need to consider the different types of resources independently of one another, while suggesting that resources related to finance and staff may not be as important as the resource of knowledge, technical expertise, implementation power and so on. That said, the survey was limited to measuring the frequency of contact organisations had with policy makers as opposed to the quality and success of that contact, and the two are not necessarily the same thing. However, the interviews did tend to confirm my interpretation of the survey evidence, even though I did not ask about the quality and success of contact in the survey.

The research also pointed towards the importance of multiple and overlapping networks in the sense that being a member of one network in one policy area could facilitate access to another network not necessarily directly related to that group's policy arena. For example, organisations 44, 50 and 53 were not in the core of the housing network but their membership of networks in other arenas, most notably in relation to equalities issues, enabled them to use their existing contacts to influence policy makers in the Housing Bill. These groups utilised their contacts with members of the Equal Opportunities Committee to lobby for equalities issues to be placed in the Bill. As we saw in chapters eight and nine, they did this with some success even though they were not considered as key players or 'Core insider' groups in the housing world. Therefore while it was essential to focus on the networks that built up around the Housing Bill, the success these equalities groups had with getting an overarching equalities statement in the Bill suggests that being in the core of one network can facilitate access to another. Networks and their members overlap and these groups demonstrated that participating in multiple and overlapping networks (not necessarily with the same degree of inclusion in each) can help to influence policy making indirectly.

Linked to this, the complex power plays that have been identified in this study between the Parliament, Executive (civil servants and Ministers) and interest groups is not sufficiently addressed in the pressure group and policy network literature where the focus is more on a two-way power struggle between interest groups and Government. The research has shown that with regard to the insider/outsider typologies the focus on interest groups and Government would be better placed if the interest group/parliamentarian dynamic was incorporated. The policy network approach similarly avoids addressing the role of the parliamentarians but this study has shown that parliamentarians were just as likely to want to be part of networks as interest groups. MSPs, particularly from the coalition parties, exploited the informal route of working behind the scenes with both the Executive and interest groups to the extent that members on the Social Justice Committee who were not from the coalition parties were effectively cut out of the decision making loop with regard to the all-important amendment 93.

The modifications made to the right to buy also demonstrated that policy networks affect outcomes, but it also highlighted the difficulty in being able to extract the key causal processes involved. The proposals for the right to buy contained in the initial consultation document were modified by the time it became an Act of Parliament. These changes, while legitimated by MSPs in Parliament, were arrived at in other, less public, arenas. All the actors involved in the network that built up around the right to buy were involved in a positive sum game. Ministers and civil servants were content that they managed to navigate the right to buy through the parliamentary process in spite of being faced by bitter opposition to it, while the modifications that were made were acceptable to both Labour MSPs and interest groups alike.

Thus, as Lukes would have it, collectively and with the conditions prevalent in the Parliament, MSPs and interest groups effectively demonstrated the operative use of power in taking the Executive in directions they might not otherwise have gone (*Lukes, 1993:55*). That said, the Executive was willing to concede more if changing the discount levels had not appeased its detractors.

#### *The Wider Picture: Before and After Devolution*

Based on the aforementioned empirical work this case study has indicated that in differing ways Scotland has experienced elements of both change and continuity since devolution. As mentioned in chapter one, before 1999 the Scottish Office had developed a distinct political remit, evolving as a territorial, rather than as a functional department enjoying responsibility for general government activity in Scotland (*Pilkington, 1998:212*). This limited form of devolution (without a directly elected Government in Scotland) meant that an administrative machinery, in the form of a civil service, was inherited. Indeed, many of the civil servants in the new Development Department were already familiar to the representatives of key groups through the officials' earlier roles in the Scottish Office. Some of the pre-legislative consultative mechanisms post 1999 like the various Task Forces and

working parties were also familiar to the interest groups: it was just that now there were more of them. That said, for those interest groups which had been involved pre-1999 there was a belief that the post-1999 ones were more effective and responsive, perhaps because many of these had more direct Ministerial involvement.

While much of the personnel in the civil service has remained, what has changed post devolution has been the civil servants' exposure to Ministers and hence their greater accountability. Scottish Ministers (in the Parliament) no longer have to legislate and meet in London, spending prolonged amounts of time away from their officials. The work of civil servants is increasingly scrutinised by Ministers who have realised that they have inherited a civil service with an historical, and arguably understandable, leaning towards a Westminster way of doing things. Take the civil servants that were interviewed as part of this research. The most senior one made numerous references and unfavourable comparisons of the Parliament with Westminster, believing that the Westminster way of doing things produced better public policy. The conservative and cautious nature of the civil service was highlighted by the Minister at the time who told me that she had to push her civil servants in one particular policy direction further than she knew they were comfortable going. As the legacy of the role and legitimacy of the Scottish Office with its corporatist tendencies has been increasingly undermined post-1999, there has been growing criticism of the conservative nature of some sections of the civil service in Scotland and its reluctance to embrace reform and, in the longer term, policy creativity. Indeed, the Inquiry into the costs of the Scottish Parliament is an example of this [[www.holyroodinquiry.org](http://www.holyroodinquiry.org)]. Much of the blame for the escalating costs of the Parliament was laid at the door of the civil servants and, responding to the findings of the Fraser Inquiry, the First Minister pledged civil service reform.

That said, while the civil service in Scotland has been criticised for not adapting to change and reform as quickly as might have been expected, there was a feeling among the interest groups I interviewed that the new Scottish Executive was more likely to listen to their views than the old corporatist Scottish Office was. This is also borne out in a study into the impact of devolution on local government by Fairley *et al* (2002) who found that while those working in local government regarded the civil service with a degree of suspicion and mistrust, their research nevertheless found that the Scottish Executive was perceived as more open and willing to listen to local government than the Scottish Office had been before devolution.

The civil service in its make-up and mindset may be struggling to operate differently since devolution and embrace new ways of partnership working, but what is certainly new is the presence of the Parliament and, with it, its new elected representatives and its new operating procedures and practices. However, representatives of interest groups, echoing those opinions expressed in some parts of the

media voiced their disappointment in the ability of some MSPs to do their job, and linked to this, the quality of debates held in Parliament (although this may be changing as MSPs become more experienced). Likewise, some respondents were disappointed, not just in the people, but in parts of the process itself: power sharing being confined to Labour and Liberal Democrat members, and core groups in the housing and homelessness world. This disappointment does not, however, detract from the Parliament being a forum for debate, acting as a focal point where individuals involved in the housing lobby, and outwith, looked to for clarity. Linked to this, the Parliament also legitimated the decision making process, giving its approval to (and sometimes by merely rubber stamping) the decisions that had been arrived at elsewhere. This frustrated opposition parties, especially the SNP, who were excluded from the acceptable consensus that emerged between the Executive, its coalition backbenchers and core groups in the housing lobby. The SNP believed a kind of cosy consensus had developed between the Government and some interest groups and hinted that this more involved section of civil society was unrepresentative and lacked accountability. This close relationship, the SNP argued, between the core groups and the Government was problematic and, as such, this made the party's role in the Parliament to some extent redundant.

Devolution brought the Parliament and the Executive closer to people in the housing network and beyond. Geographically the Parliament was nearer to the offices of the interest groups involved, but more substantively much more time could be spent debating and legislating on Scottish specific interests than was ever possible at Westminster. The Housing Bill was neither the first Bill to pass through Parliament nor the first time MSPs had taken evidence from interest groups involved in housing and homelessness. Similarly, for many in the housing and homelessness world the Parliamentary committees were not new to them. Some had already given evidence to a committee two or three times before, which stood in stark contrast to their previous experience at Westminster.

In terms of process, devolution was about a new, more inclusive and consultative way of working. As mentioned in earlier chapters, Shelter Scotland played a key role in the Housing Bill, but had also been heavily involved in the previous 1989 Housing Act. The same could also be said of the Chartered Institute of Housing in Scotland and the Scottish Federation of Housing Associations who enjoyed similar insider status. The Edinburgh and Dundee Tenants' Federations, however, played no such role in the Housing Act of 1989 and were no more involved in the policy process in Scotland some ten years later. Neither of these organisations was invited to give evidence to one of the three committees consulting on the Housing Bill, which suggests that a small cautionary note needs to be added to the widely accepted view that the evidence taking sessions of the committees have been a real success story for the Parliament.

#### *Comparing Holyrood and Westminster*

As mentioned in chapter one, reformers of the Scottish Parliament wanted Holyrood to have different

procedures and a new style and model of governance from the 'mother of parliaments', Westminster. The Scottish Parliament would bring together traditional representative democracy with newer more participative, consultative and consensual ways of operating. And as one of the first 'flagship' pieces of Executive legislation to pass before the Parliament, the Housing Bill provided an opportunity in which to assess and compare the new style of governance with the older Westminster model.

The unicameral set up of the Parliament and its lack of a second or revising chamber did not seem to overly concern interest groups and MSPs. The most senior civil servant that was interviewed did make note of the absence of a second chamber which, in his opinion, meant that there was greater impetus to get policy correct and workable from the outset. This became another rationale used by the civil servant to justify his need to control and manage the process, ruling out unpredictability. This led, on the one hand, to greater power sharing between the Executive, its back benchers and inside groups, but on the other, it necessitated power sharing and bargaining, not because the official thought it was the proper thing to do, but more as a means in which his department could retain policy control.

The research by Shephard and Cairney (forthcoming) has, in contrast, found that the expectations of a new politics characterised by power sharing between the Executive and the Parliament may not be as fanciful in reality as many critics have suggested. They argue that whilst initial findings on the success and failure of Bill amendments showed the Executive to dominate the process, the reality was that when they accounted for type of amendment and initial authorship they found evidence that the Parliament made much more of an impact, particularly in terms of the level of success of substantive amendments to Executive Bills. Shephard and Cairney argue that members of the Executive are, for example, often very open about initial authorship of amendments. This can arise when MSPs from both coalition parties and opposition ones are given promises by the Executive that Ministers will consider these amendments with a view to bringing them forward at a later stage, in exchange for their withdrawal at that point. My own research confirms that this is the case when we look at what happens in the legislature and what is recorded in the official report. However, when we probe deeper and explore the decisions that take place within the policy network itself the picture looks somewhat more complex. Take the all-important amendment tabled by Karen Whitefield, for example. According to the official report and exchanges in the committee, Ms Whitfield tabled an amendment which changed the discount levels for the right to buy, making it immediately much more palatable for MSPs and groups to accept. According to the officials that were interviewed, Ms Whitefield had previously been given this amendment, worded by them, to table in her name, with the support of the Executive - an amendment which, in the officials' opinion, was more about appeasing Labour back benchers than about a genuine drive towards inclusivity.

Perhaps, though, the motives driving the sharing of power are not as important as long as it takes place. In contrast to what happens at Westminster, the presence of a coalition government, committees



empowered to initiate, amend and scrutinise legislation, and the presence of highly organised sections of civil society that expect to be consulted and included, means that whilst the Government may prefer to steamroller legislation through Holyrood it is well aware that such a tactic is too dangerous. Therefore, although the decisions that take place away from the legislature between key actors appear to undermine both Holyrood's importance and the MSPs' scrutinising role, the very fact that there is such a Parliament means that civil servants are more inclined to consult beforehand to develop an acceptable consensus which they are confident will then be passed by the Parliament. In order for civil servants to get Government policy through Parliament, they will have to listen to backbenchers and interest groups more than would be required at Westminster where the Government of the day normally enjoys a sizeable majority.

In terms of pre-legislative consultation and evidence taking by committees, there was a wide held belief that in Scotland the process was more thorough, consultative and inclusive than what would be commonplace at Westminster. A consultation paper had been issued to gather opinion ahead of the publication of a draft Bill. Here officials found themselves in the unlikely situation of going out to interested parties to canvass opinion, whereas for those officials who had worked at Whitehall their experience of consultation was much less interactive. As mentioned earlier, the committees' evidence taking sessions were widely viewed to be successful in reaching out to outsiders, and whilst my research has suggested this may not be entirely true - many grassroots tenants' groups being a case in point - the committees were nonetheless seen as being much more successful in embracing a cross section of those in and, outwith, a policy network than has historically been the case at Westminster.

With regard to stages one, two and three of the parliamentary process, there are many similarities that can be made with Westminster. For instance, a legislative chamber less than half full during the debate about the general principles of a Bill appears reminiscent of what is often seen at the Commons, with the notable exceptions of Prime Minister and First Minister's questions. The use of the party whip system at stage three rendered final legislative discussion and amendment redundant, and the all-important and much hyped stage two allowed insufficient time for MSPs to give due thought and reflection to amendments proposed and operated along party lines. As Arter (forthcoming) argues, the reformers of the Parliament failed to really accommodate the role of parliamentary parties into its power sharing schema.

Perhaps though such disappointment is more a reflection of the high expectations post devolution: expectations that could never be fully realised, rather than signifying a Scottish legislature that is failing to embrace a new model of governance. For instance, the role of some sections of civil society in the pre-legislative and legislative process seems to provide a good example of an area where Holyrood and Westminster do differ. The Procedures Committee's Inquiry into the CSG Principles recommended that the Task Force concept of involving stakeholders from civil society should be

developed further [see recommendations 967-973, [www.scottish.parliament.uk/business/committees/historic/procedures/reports/](http://www.scottish.parliament.uk/business/committees/historic/procedures/reports/)] And, as previously noted, a combination of the expectations placed on the Parliament to be consultative, alongside the mechanical and structural aspects of its decision making process, led to elements of inclusivity and concessions by the Executive with its own backbenchers and with some parts of the housing lobby. The fact that this relationship between the Government and some parts of civil society was questioned by the main opposition party is noteworthy as it suggests a strong and quite exclusive relationship existed between the Government and some groups in arriving at an acceptable consensus. This highlighted that whilst the involvement of civil society in the legislative programme of the Executive is welcome, its involvement in the public policy process may be questioned if it is believed (rightly or wrongly) to have failed to retain a healthy independence from Government.

The implications this has for the role of the Parliament in Scotland is significant because in many respects the relationship between the Executive and interest groups has weakened the role of Holyrood's parliamentarians to one confined to legitimating the decisions and the acceptable consensus that has taken place elsewhere. As discussed throughout the thesis, network analysis has become the dominant paradigm in the study of policy making at Westminster, being used to describe how government departments and groups are usually far more important than the Houses of Parliament are in policy making. Reformers of the Scottish Parliament, however, envisaged a strong Parliament vis-a-vis the Executive. The strong committees, working in a non-partisan way would empower MSPs to work together and to hold the Executive to account. Publicly, at least, this did not materialise, leaving the role of the Parliament in this particular case limited to providing a public forum for views to be aired, as well as for legitimating foregone decisions. Privately, however, backbenchers from the coalition parties were more effective in persuading their own Ministers and the civil servants to modify and amend policy detail. This indicates that the Parliament does indeed matter, even if it appears on the surface to be Executive dominated.

#### *Other Areas of Policy Making*

The findings in this research paint a cautiously optimistic picture about the success of the Scottish Parliament as a whole (including the Executive) when we compare it to some of the founding principles and high expectations of the Consultative Steering Group and, more generally, supporters of devolution. And when we look at other areas of policy the picture is similarly so. For instance, the crisis surrounding the Scottish Qualifications Authority that took place in 2000 where many exam results were incomplete or incorrect suggests, in this instance, that the Parliament did - eventually - rise to the challenge by providing a forum for the articulation of concerns and holding a body of professionals - the Schools Inspectorate - to account. Paterson argues that although the Parliament was not especially proactive, it did eventually agree to undertake an inquiry which the education committee undertook in a non-partisan, public and incisive way. This led to a highly critical report of

the Inspectorate, and government action soon followed (2001:86-87). Raffe *et al* believe this was an example of the Scottish Parliament providing the context in which dissatisfaction with the leadership had political impact. It stimulated debates about the future governance of Scottish education; it provided a forum in which grievances could be expressed; and it subjected the leadership to much more effective democratic accountability than had ever been possible under Westminster (2002:169).

Other policy areas such as enterprise and sex education similarly tell a cautiously positive story. Paterson examined the consultation exercises in both of these areas and found that in relation to an inquiry into local economic development the MSPs on the Enterprise and Lifelong Learning Committee had taken the initiative in launching an inquiry into the plethora of bodies that provided advice and support to local business. The MSPs acted proactively, but the published findings of the inquiry suggested they had not been radical enough in making recommendations that would streamline the services offered by a number of bodies. The powerful lobby of the local authorities, coupled with an emerging consensus, seemed to convince MSPs that getting rid of duplication was not the way to go (2001:86).

The controversy in 2000 over the way in which homosexuality was to be taught in schools provides our last example. The Scottish Executive decided to repeal of a piece of legislation that prevented local authorities from promoting homosexuality as an acceptable form of family, and this decision proved extremely unpopular with sections of the tabloid press and the Catholic church. Despite such criticism, the repeal did go ahead, and Paterson argues that the debate would probably have never taken place had the Parliament not been in existence. It also raised questions about the nature of representative democracy and about protecting the rights of minority groups (2001:88).

What all these examples illustrate, and what also comes through from the study of the Housing Bill is the importance of the Parliament and its committees in acting as a focal point for views to be aired and debates had. Whether the Parliament was using its own initiative (in the case of local economic development) or reacting to events (in the case of the SQA and Section 2a) it nevertheless remained a forum that individuals looked to for the articulation of concerns. In the case of the Housing Bill the committees took the initiative in taking evidence from interested parties before the consultation document had even been published. And like the enterprise example, that showed how a consensus had developed between the committee, Government and some sections of civil society that led to tinkering at the edges, the same could also be said of the Housing Bill. The emerging consensus between the Executive and the better organised sections of the housing lobby as how best to tackle homelessness was, in the eyes of some of the more involved in the housing world, not radical or ambitious enough. This is not to say that the proposals were unwelcome or not supported. They did though, consist of immediate, fire-fighting measures acceptable to both the Executive and the better

involved interest groups but for different reasons. The Executive did not have the resources and perhaps political will to pursue more radical change, but was keen to have the support of the housing lobby which would add credibility to its policy proposals. The interest groups were also content to accept, at that point in time, that the Executive, while moving slowly, was nonetheless going in the right direction and by remaining relatively uncritical of the Government they ensured that in the future they would still have seats around the decision making table.

#### *The Policy Network Pre- and Post- Devolution*

For those groups in the core of the network and heavily involved in the Housing Bill, their experience before devolution and, specifically with the Scottish Office, was one of insider status, but with less regularity and interaction with officials than they were now experiencing. Therefore, membership of the nucleus of the policy community did not alter after 1999 but the nature of the relationships between these key participants with members of the Government did. The kinds of involvement also changed such that members had more meetings with Ministers and more informal discussions with officials. The relationship between officials and groups became more relaxed and personal, with members being more privy to discreet and off the record discussions. In other words, the components of the core of the network remained unchanged, but the characteristics of these components after devolution resembled a move towards a tighter community - one which would ultimately benefit both groups and Government.

In contrast, for those organisations that were just on the periphery of the network pre-1999, having no contact with the Scottish Office or Westminster, or if they did, having to struggle to have limited contact, there appeared to be a movement by them from the outside to within the outer parameters of the network. Groups 33 and 36, both representing tenants' interests professionally, but not including local federations or tenants themselves, are examples. Civil servants would invite these groups to meetings, ask their advice, and offer them seats in working groups or Task Forces. The experience of these groups after devolution contrasted markedly with what had gone before, even more so than those groups just mentioned which had always had contact, but which were now moving tighter and closer together. For the groups moving from the outside, to the inside edges of the network, this marked the biggest change to the network post devolution because the network grew in size and, to some extent, became less exclusive. The barriers around the network that had traditionally prohibited entry to it became less prescriptive and the civil servants began to reach out and involve groups that they never had before.

A cautionary note, however, needs to be added since it would be misleading to give the impression that since devolution more groups were in, rather than excluded from the network, and that the housing world as a whole was enjoying a new found wealth of negotiations and meetings with decision makers. Whilst it is true that an increasing amount of groups were enjoying access to the network, the survey

data puts the small (but growing) number of groups privileged to be part of the network into context.

### *Reflections on the Research Design*

The findings just discussed are the product of both a qualitative and quantitative case study approach. The sixty four interviews with representatives of interest groups, civil servants, a Minister, MSPs and academics enabled me to build up a rich, but often contradictory picture. The identification of a number of competing accounts was seen, however, as a strength of the research design rather than a weakness. As much as it was difficult to ascertain the 'truth' with regard to who ultimately dominated policy networks, or who was 'winning' more of the time, such competing and contradictory narratives proved in themselves interesting.

However, the timing of the interviews could have been better in as much as many interviews took place in the earlier parts of the legislative process as opposed to later when the Bill was nearing its completion. Such enthusiasm too early on meant that by the time the Bill entered stage three, most of the interviewing was complete and so the interview data relating to this part of the process is somewhat limited. That said, the interviews that still had to take place were with some of the more influential political players such as the Social Justice Minister and a senior civil servant from the Development Department.

The survey served a number of purposes, not only being used to survey a sample of the housing lobby but also to act as a precursor with which to identify key groups to interview. To that end, the survey was sent out early on in the research in order to 'map' the housing lobby which would guide and facilitate the interviews. Consequently, the survey data with regard to groups' involvement and attitudes towards the Housing Bill reflected attitudes at the pre-legislative consultation stage as opposed to further on in the legislative process. With the benefit of hindsight I should have considered conducting a second questionnaire at the end of the legislative process which would have enabled me to make more valid comparisons with the interview data, while incorporating a longitudinal element into the research.

In contrast with the interviews and the survey, non-participant observation was initially included in the research design to complement the other methods, as opposed to being of value in its own right. However, far from simply being complementary, it proved extremely beneficial and there were numerous advantages to it. Observation of the plenary and committee proceedings helped to get a sense of the nature and style of the debates, but it was the unforeseen benefits of getting beyond the 'official line' and building up relationships with key respondents that was especially valuable.

### *Conclusion - General Lessons for the Analysis of Scottish Politics*

From this piece of research lessons can be learnt about the relationship between parties, Government

and civil servants, and civil society more generally: it goes without saying that the parties represented in the coalition enjoyed greater input into the legislative process than opposition parties did; the plenary sessions gave the impression of a weak Parliament, and disciplined MSPs and partisan voting enabled the Executive to drive through its programme. However, the earlier arrangements behind the scenes between Government and Labour and Liberal Democrat backbenchers ensured that policy adjustments had already been made. The Parliament may have looked ineffective, merely rubber stamping legislation, but without coalition government and a relatively small combined majority (compared to Westminster) there would have been no pressure on Ministers and officials to make such policy changes.

The presence of the Parliament has put pressure on the civil service to reform and become more accountable to Ministers. It no longer has the same autonomy that it enjoyed under the Scottish Office where Ministers spent considerable amounts of time away from their departments. It has had to adjust to the expectations of a new style of governance and adapt to the machinery of a legislature that makes it hard for Government to refuse to listen. Positive moves have, however, been made in this regard. Officials undertook, and by all accounts are still undertaking, wide ranging consultation exercises. They included groups in the network who would never have been included before, and they reluctantly, but nevertheless did, make policy modifications in areas such as the right to buy and tenant participation when pushed to do so by their Minister.

As for the role of the opposition parties: they were shut out of the process by the exclusive relationship that existed between Government, MSPs from the coalition parties and the housing lobby. If this part of civil society had not enjoyed the close relationship that it did with the Executive, it would, without doubt, have weakened the Executive's arguments. Moreover, if the interest groups had been willing to work closer with the opposition parties, then this would have given credibility to the arguments of the MSPs opposed to some parts of the Bill. Instead, the SNP (in particular) were left out in the cold: left criticising a Bill which they argued had fundamental faults, and yet could not seem to draw on the support of the very groups that had expertise in this area. These being the same groups which, most interestingly, were themselves critical of parts of the Bill, but who nevertheless felt it was more productive for them to work with the Executive, than against.

The research here has shown that there has been real movement in Scotland towards a new model of governance as envisaged by the CSG. Interest groups that would never have been consulted before, now have the opportunity to give evidence to the Parliamentary committees. Those who enjoyed such status before devolution now report greater access to officials and Ministers, and such contact is more informal and believed to be more effective. Officials know that in order to stop Government policy from deviating too much, they now have to be more willing to enter into discussions with backbenchers and representatives of civil society. The small functioning majority similarly means that



Ministers also need to keep their backbenchers happy. In turn, the MSPs seem content with the necessary trade-off with the Government. The MSPs will continue to get concessions from the Executive, as long as such concessions are celebrated privately and remain within the parliamentary group. Ministers and MSPs are increasingly aware of the importance of involving civil society. The expertise of interest groups is one such reason, but there are political ones as well. Such groups add credibility to arguments, and by keeping them on board and consulting with them at every stage, the Executive can anticipate and respond more quickly to criticism.

The aforementioned examples point towards a new model of governance, but not the ideal type the CSG envisaged. There are still many areas that fall short of the mark. The line by line scrutiny of legislation by committees would be one such example, and the reluctance of many MSPs (although not all) to act in a non-partisan way, is another. The reformers of the Parliament would be pleased with the steps that so far have been taken towards the new way of working in Scotland, even though some of these steps have been politically motivated ones, used by key policy players to retain as much influence over the legislative process as possible.

*Appendix A*

**Table 1. Policy communities and policy networks: the Rhodes model**

<b>Type of Network</b>	<b>Characteristics of Network</b>
Policy community/Territorial community	Stability, highly restricted membership, vertical interdependence, limited horizontal articulation
Professional network	Stability, highly restricted membership, vertical interdependence, limited horizontal articulation, serves interest of profession
Intergovernmental network	Limited membership, limited vertical interdependence, extensive horizontal articulation
Producer network	Fluctuating membership, limited vertical interdependence, serves interest of producer
Issue network	Unstable, large number of members, limited vertical interdependence

*(Rhodes & Marsh, 1992:183)*

## *Appendix B*

**Table 2. Types of policy network: the characteristics of policy communities and issue networks**

<b>Dimension</b>	<b>Policy community</b>	<b>Issue networks</b>
1. Membership (a) Number of participants (b) Type of interest	Very limited number, some groups considerably excluded Economic and/or professional interests dominate	Large Encompasses range of affected interests
2. Integration (a) Frequency of interaction (b) Continuity (c) Consensus	Frequent, high-quality interaction of all groups on all matters related to policy issue Membership, values and outcomes persistent over time All participants share basic values and accept the legitimacy of the outcome	Contact fluctuate in frequency and intensity Access fluctuates significantly A measure of agreement exists but conflict is never present
3. Resources (a) Distribution of resources (within network) (b) Distribution of resources (within participating organisations)	All participants have resources, basic relationship is an exchange relationship Hierarchical, leaders can deliver members	Some participants may have resources, but they are limited and basic relationship is consultative Varied and variable distribution and capacity to regulate members
4. Power	There is a balance of power between members. Although one group may dominate, it must be a positive sum game if continuity is to persist	Unequal powers, reflects unequal resources and unequal access. It is a zero-sum game

*(Rhodes & Marsh, 1992: 187)*

### *Appendix C*

#### **Questionnaire sent to following organisations**

<b>No.</b>	<b>Name</b>	<b>Location</b>
1	Aberdeen Care & Repair	Aberdeen
2	Abbeyfield (Johnstone & District) Society	Johnstone
3	Aberdeen Cyrenians Ltd.	Aberdeen
4	Aberdeen Foyer	Aberdeen
5	Aberdeen Soroptimist Housing	Aberdeen
6	Aberdeen Supported Housing Project	Aberdeen
7	Aberdeen Women's Aid	Aberdeen
8	Aberdeen Women's Centre	Aberdeen
9	Aberdeen YWCA (Great Britain) Housing Society Ltd.	Aberdeen
10	Aberdeenshire Women's Aid	Turriff
11	Abertay Housing Association	Dundee
12	Advocacy Service, The	Perth
13	Age Concern Scotland	Edinburgh
14	AgeCare Aberdeen	Aberdeen
15	Albyn Housing Society Ltd.	Invergordon
16	Alltnacriche Christian Centre	Aviemore
17	Almond Housing Association	Livingston
18	Angus Association of Voluntary Organisations	Arbroath
19	Angus Care & Repair	Forfar
20	Angus Housing Association	Arbroath
21	Ardenglen Housing Association Ltd.	Glasgow
22	Argyll Council for Voluntary Organisations	Lochgilphead
23	Ark Housing Association	Dunfermline
24	Arran Care & Repair	Brodick
25	Avalon Corner Housing Co-operative, The	Glasgow
26	Barnardo's	Edinburgh
27	Barnardo's Homelessness Project	Lanark
28	Barony Housing Association	Buckhaven
29	Barrhead Housing Association Ltd.	Glasgow
30	Belford Hostel	Edinburgh
31	Berwickshire Housing Association	Edinburgh
32	Bethany Christian Trust	Edinburgh
33	Bield Housing Association	Edinburgh
34	Big Issue, The	Edinburgh
35	Blochairn Housing Co-operative	Glasgow
36	Blue Triangle Housing Association	Glasgow
37	Bow Farm Housing Association Ltd.	Greenock
38	Bridgeton & Dalmarnock Housing Association Ltd.	Glasgow
39	Broomlands & Bourtreehill Age Concern	Irvine
40	Burdiehouse Hostel	Edinburgh
41	Burnsfield Housing Co-op	Aberdeen
42	Bute Housing Association Ltd.	Campbeltown
43	Cairn Housing Association Ltd.	Glasgow
44	Caladh House Association	Greenock
45	Camlachie Housing Association Ltd.	Glasgow
46	Capability Scotland	Edinburgh
47	Care & Repair Forum Scotland	Glasgow
48	Carnwadric Tenants Association	Glasgow
49	Carrick Housing Association	Ayr
50	Castle Rock Housing Association Ltd.	Edinburgh
51	Castlehill Housing Association	Aberdeen

52	Castlemilk East Housing Co-operative Ltd.	Glasgow
53	Cathcart Housing Association Ltd.	Glasgow
54	Cathkin Braes Tenants Management Co-operative	Glasgow
55	Cearns Residents Association	Stornoway
56	Charing Cross Housing Association	Glasgow
57	Child Poverty Action Group in Scotland	Glasgow
58	Children 1st	Inverness
59	Children 1st National Headquarters	Edinburgh
60	Children in Scotland	Edinburgh
61	Church action on Poverty	Glasgow
62	Church of Scotland	Glasgow
63	Church of Scotland	Clachan
64	Church of Scotland, The	Edinburgh
65	Churches Action for the Homeless	Perth
66	CIH in Scotland	Edinburgh
67	Citizen's Advice Bureau	Arbroath
68	Citizens Advice Bureau	Alness
69	Citizens Advice Bureau	Aberdeen
70	Citizens Advice Scotland	Edinburgh
71	Claythorn & Fairbridge Tenant Management Co-operative Ltd.	Glasgow
72	Cloch Housing Association Ltd.	Greenock
73	Clyde Valley Housing	Motherwell
74	Clydesdale Housing Association Ltd.	Lanark
75	Commission for Racial Equality	Edinburgh
76	Community Housing Advocacy Project, The	Irvine
77	Copperwork Housing Co-operative	Glasgow
78	COSLA	Edinburgh
79	Council for Homeless Young People	Glasgow
80	Cowgate Centre	Edinburgh
81	Cowgate Hostel	Edinburgh
82	Coylebank Tenants Co-operative	Glasgow
83	Craigdale Housing Association Ltd.	Glasgow
84	Cranston Street Hostel	Edinburgh
85	Crossroads (Aberdeen) Care	Aberdeen
86	Cube Housing Association Ltd.	Glasgow
87	Cunningham House Board of Social Responsibilities	Edinburgh
88	Cunningham Housing Association Ltd.	Ardrossan
89	Cunningham Housing Association Ltd.	Kilmarnock
90	Cyrenians	Edinburgh
91	Dundee Cyrenians	Dundee
92	Dundee Federation of Tenants Associations	Dundee
93	Dundee International Woman's Centre	Dundee
94	Dundee Stop Over Project	Dundee
95	Dundee Voluntary Action	Dundee
96	Dundee Woman's Aid	Dundee
97	East Ayrshire Housing Partnership	Kilmarnock
98	East Kilbride & District Housing Association Ltd.	East Kilbride
99	East Lothian Housing Association	Haddington
100	East Whitlawburn Tenant Management Co-operative	Glasgow
101	Edinburgh Campaign & Services for Homeless	Edinburgh
102	Edinburgh Streetwork Project	Edinburgh
103	Edinburgh Tenants Federation	Edinburgh
104	Elderpark Housing Association Ltd.	Glasgow
105	Elgin Hospital	Portree
106	Employers in Voluntary Housing	Glasgow
107	Energy Action Scotland	Glasgow

108	Equal Opportunities Commission	Glasgow
109	Fairfield Housing Co-operative	Perth
110	Ferguslie Park Housing Association Ltd.	Paisley
111	Ferintosh Hostel	Dingwall
112	Fernlea Care Centre	Symbister
113	Garrabost Care Unit	Garrabost
114	Garrion Peoples Housing Co-operative Ltd.	Glasgow
115	Gilbertson Day Centre	Kirkwall
116	Glasgow Council for Single Homeless	Glasgow
117	Glasgow Council for the Voluntary Sector	Glasgow
118	Glasgow Jewish Housing Association	Giffnock
119	Glasgow Old People's Welfare Association	Glasgow
120	Glasgow Women's Aid	Glasgow
121	Glenrothes YMCA/YWCA Housing Services	Glenrothes
122	Govan Housing Association Ltd.	Glasgow
123	Govanhill Housing Association Ltd.	Glasgow
124	Gowrie Housing Association	Dundee
125	Grampian Housing Association	Aberdeen
126	Hanover Housing Association	Edinburgh
127	Hanover (Scotland) Housing Association Ltd.	Elgin
128	Hanover (Scotland) Housing Association Ltd.	Elgin
129	Haven Housing Association	Edinburgh
130	Haven Housing Association Ltd.	Inverness
131	Haven Housing Association Ltd.	Aviemore
132	Help The Aged	Edinburgh
133	Hilcrest Housing Association	Crieff
134	Hjaltland Housing Association Ltd.	Lerwick
135	Home-Start Leith	Edinburgh
136	Home Aid (West Lothian)	Bathgate
137	Home in Scotland Ltd.	Dumfries
138	Homeless Outreach Project	Edinburgh
139	Housing Association Ombudsman for Scotland	Edinburgh
140	Housing Support Project	Glasgow
141	H.O.M.E.S	Edinburgh
142	Inverclyde Rough Sleepers Initiative	Greenock
143	Irvine Housing Association	Dumfries
144	Key Housing Association Ltd.	Alness
145	Kirk Care Housing Association Ltd.	Genluce
146	Kirk Care Housing Association Ltd.	Edinburgh
147	Langstane Housing Association	Elgin
148	Levenmouth Homeless Trust Cornerstone Project	Crail
149	Lister Housing Co-operative	Edinburgh
150	Lochaber Housing Association	Fort William
151	Lochalsh & Skye Housing Association Ltd.	Portree
152	Loreburn Housing Association	Stranraer
153	Loretto Housing Association Daycare Project Ltd.	Johnstone
154	Loretto Housing Association Ltd.	Glasgow
155	Lorn & The Isles Housing Association Ltd.	Oban
156	Lothian Anti-Poverty Alliance	Edinburgh
157	Margaret Blackwood Housing Association Ltd.	Aberdeen
158	Methodist Homes Housing Association	Arbroath
159	Money Advice Scotland	Glasgow
160	Muirhouse Housing Association	Edinburgh
161	National Asthma Campaign Scotland	Edinburgh
162	NCH Action for Children	Inverness
163	NCH Action for Children	Perth



164	NCH Action for Children	Motherwell
165	New Gorbals Housing Association Ltd.	Glasgow
166	N.C.H. Action for Children	Edinburgh
167	Orkney Housing Association Ltd.	Kirkwall
168	Orminston People's Housing Co-operative	Dundee
169	Paisley Christian Social Action Centre, The	Paisley
170	Paisley South Housing Association Ltd.	Paisley
171	Parkhead Housing Association	Glasgow
172	Pentland Housing Association Ltd.	Thurso
173	Perthshire Housing Association	Perth
174	Port of Leith Housing Association	Edinburgh
175	Positive Action in Housing	Glasgow
176	Poverty Alliance, The	Glasgow
177	Queens Cross Housing Association	Glasgow
178	Robertson House Hostel	Glasgow
179	Ross & Cromarty Council of Voluntary Services	Dingwall
180	Rough Sleepers Initiative	Hamilton
181	Salvation Army Housing Association Scotland Ltd., The	Glasgow
182	Salvation Army, The	Edinburgh
183	Salvation Army, The	Glasgow
184	SAM Housing Project	Glasgow
185	Save the Children Fund	Dundee
186	SAY Women	Glasgow
187	Scottish Churches Housing Agency	Edinburgh
188	Scottish Council for Single Homeless	Edinburgh
189	Scottish Council for Voluntary Organisations	Glasgow
190	Scottish Council for Voluntary Organisations	Inverness
191	Scottish Council for Voluntary Organisations	Edinburgh
192	Scottish Federation of Housing Associations	Glasgow
193	Scottish Homes	Edinburgh
194	Scottish Homes Aitreabhan Alba	Inverness
195	Scottish Tenants Organisation	Glasgow
196	Scottish Women's Aid	Edinburgh
197	Servite Housing Association	Dundee
198	SFHA	Edinburgh
199	Shelter	Edinburgh
200	Shelter Families Project	Hamilton
201	Shelter Housing Aid Centre	Glasgow
202	Shelter Scottish Campaign for the Homeless	Aberdeen
203	Shettleston Housing Association	Shettleston
204	S.A.M. Housing Project	Glasgow
205	Thenew Housing Association Ltd.	Glasgow
206	Tighean Innse Gall	Stornoway
207	Unicorn House	Dundee
208	Vale of Duntrune Community Housing Association	Dundee
209	Victoria Housing Association Ltd.	Greenock
210	Viewpoint Housing Association	Edinburgh
211	Visualise	Edinburgh
212	Voluntary Action Inverness	Inverness
213	Voluntary Service Aberdeen	Aberdeen
214	Waverly Housing Management Ltd.	Galashiels
215	Weslo Housing Management	Bathgate
216	West Fife Federation of Tenants and Residents Associations	Dunfermline
217	West Granton Housing Co-operative	Edinburgh
218	West of Scotland Housing Association Ltd.	Glasgow
219	West Whitlawburn Housing Co-operative	Cambuslang

220	Wester Hailes Community Housing Association Ltd.	Edinburgh
221	Wester Hailes Representative Council	Edinburgh
222	Western Isles Care & Repair Project	Stornoway
223	Western Isles Women's Aid	Stornoway
224	Whiterose Tenant Management Co-operative	Glasgow
225	Women's Aid	Lerwick

## Appendix D

**Name of Organisation:** \_\_\_\_\_

Q1. When was the organisation established? <i>Please tick the appropriate box.</i>	<input type="checkbox"/>	1997 and after
	<input type="checkbox"/>	Between 1990 and 1996
	<input type="checkbox"/>	Between 1980 and 1989
	<input type="checkbox"/>	Between 1970 and 1979
	<input type="checkbox"/>	Before 1970

Q2. Where are the organisation's Headquarters? <i>Please tick the appropriate box.</i>	<input type="checkbox"/>	Aberdeen
	<input type="checkbox"/>	Dundee
	<input type="checkbox"/>	Edinburgh
	<input type="checkbox"/>	Glasgow
	<input type="checkbox"/>	Inverness
	<input type="checkbox"/>	Another town/city in Scotland
	<input type="checkbox"/>	England/Wales
	<input type="checkbox"/>	Europe

Q3. How many administrative offices (not including advice centres or charity shops) does the organisation have? <i>Please tick the appropriate box.</i>	<input type="checkbox"/>	1
	<input type="checkbox"/>	Between 2 and 5
	<input type="checkbox"/>	Between 6 and 10
	<input type="checkbox"/>	More than 11

Q4. What is the organisation's financial turnover? <i>Please tick the appropriate box.</i>	<input type="checkbox"/>	Under £25,000
	<input type="checkbox"/>	£25,000 to £74,999
	<input type="checkbox"/>	£75,000 to £199,999
	<input type="checkbox"/>	£200,000 to £1 million
	<input type="checkbox"/>	£1 million to £5 million
	<input type="checkbox"/>	Over £5 million

<p>Q5. What are the organisation's sources of finance?  <i>Please tick all that apply and circle the principle source.</i></p>	<input type="checkbox"/> Donations from individuals <input type="checkbox"/> Donations/sponsorship from business <input type="checkbox"/> National Lottery Grants <input type="checkbox"/> The Arts Council <input type="checkbox"/> The Heritage Lottery Fund <input type="checkbox"/> European Union Funding <input type="checkbox"/> Funding from British Government <input type="checkbox"/> Funding from Scottish Executive <input type="checkbox"/> Funding from Local Authorities <input type="checkbox"/> Self-funding e.g., earned income <input type="checkbox"/> Trusts <input type="checkbox"/> Scottish Homes <input type="checkbox"/> Funding/subscriptions from member organisations <input type="checkbox"/> Another funding body/quango <i>Please specify</i>
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<p>Q6. How many paid staff (full time equivalent) does the organisation employ?  <i>Please tick the appropriate box.</i></p>	<input type="checkbox"/> Under 5 <input type="checkbox"/> Between 6 and 10 <input type="checkbox"/> Between 11 and 20 <input type="checkbox"/> Between 21 and 50 <input type="checkbox"/> Between 51 and 100 <input type="checkbox"/> Over 100
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<p>Q7. How many individuals are members of the organisation? <i>Please tick the appropriate box.</i></p>	<input type="checkbox"/> 100 or under <input type="checkbox"/> Between 100 and 500 <input type="checkbox"/> Between 500 and 1000 <input type="checkbox"/> Between 1000 and 2000 <input type="checkbox"/> Between 2000 and 5000 <input type="checkbox"/> Over 5000 <input type="checkbox"/> Not applicable
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<p>Q8. If the organisation is made up solely of individual membership, please go to question 9.</p>	
<p>However, if the organisation is also made up of membership from other bodies such as Unions, businesses and housing associations, please specify the number and types.</p>	

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<p>Q9. What are the aims/objectives of the organisation?  <i>Please tick all that apply and circle the most important.</i></p>	<div><input type="checkbox"/> To collate and research information about housing/homelessness</div> <div><input type="checkbox"/> To provide detailed information to members via newsletters etc.</div> <div><input type="checkbox"/> To improve public awareness of housing/homeless matters</div> <div><input type="checkbox"/> Mobilise public opinion</div> <div><input type="checkbox"/> Represent members</div> <div><input type="checkbox"/> To provide help and assistance to those who are directly affected by housing problems/homelessness</div> <div><input type="checkbox"/> To provide housing/housing services</div> <div><input type="checkbox"/> To provide technical expertise to government</div> <div><input type="checkbox"/> To lobby government in an attempt to influence the public policy process</div> <div><input type="checkbox"/> We have other aims/objectives because we are not primarily concerned with housing matters</div>
<p>Q10. Are you aware that there is going to be a forthcoming Housing Bill in the Scottish Parliament?  <i>Please tick the appropriate box.</i></p>	<div><input type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>
<p>Q11. Has the organisation submitted a response to the Scottish consultation document 'Better Homes for Scotland's Communities'?  <i>Please tick the appropriate box.</i></p>	<div><input type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>

**Q12. What does the organisation think of the proposals for the Housing Bill which are contained in the document 'Better Homes for Scotland's Communities'?**

*Please tick the appropriate box.*

- ☐ We welcome **all** of the proposals
- ☐ We broadly welcome **most** of the proposals but we have strong reservations against others and/or they don't go far enough
- ☐ We welcome **some** of the proposals
- ☐ There is **little** in the consultation document that we support
- ☐ There is **nothing** in the consultation document that we support

**Q13.** Is the organisation aware that there has been a housing green paper at Westminster, entitled 'Quality and Choice: A decent home for all'?

Please tick the appropriate box

- ☐ Yes
- ☐ No (please go to question 15)

**Q14. Has the organisation submitted a response to the green paper at Westminster?**

Please tick the appropriate box

- ☐ Yes
- ☐ No

**Q15.** Since 1999 has the organisation ever been contacted by the Scottish Parliament to offer advice to Ministers, Committees, Civil Servants, and/or MSPs on any matter relating to housing and/or homelessness?

*Please tick the appropriate box*

- ☐ Yes
- ☐ No (please go to question 19)



<p>Q16. Generally what frequency of contact has the organisation had with MSPs (including Committee members) and what type of contact? For example, MSPs seeking briefings, MSPs providing clarification on policy, MSPs attending the organisation's seminars/conferences etc. Please tick the appropriate box</p>	<div><input type="checkbox"/> No contact (please go to question 17)</div> <div><input type="checkbox"/> Daily contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Daily contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Weekly contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Less frequent than monthly. <i>Please specify the type of contact</i></div>
<p>Q17. Generally what frequency of contact has the organisation had with Scottish Ministers and what type of contact? Please tick the appropriate box</p>	<div><input type="checkbox"/> No contact (please go to question 18)</div> <div><input type="checkbox"/> Daily contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Daily contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Weekly contact. <i>Please specify the type of contact</i></div> <div><input type="checkbox"/> Less frequent than monthly. <i>Please specify the type of contact</i></div>

Q18. Generally what frequency of contact has the organisation had with Scottish Civil Servants and what type of contact?

Please tick the appropriate box

- ☐ No contact (please go to question 19)
- ☐ Daily contact. *Please specify the type of contact*
- ☐ Daily contact. *Please specify the type of contact*
- ☐ Weekly contact. *Please specify the type of contact*
- ☐ Less frequent than monthly. *Please specify the type of contact*

**Q19. How would you define the organisation's involvement in the consultation process in the forthcoming Housing Bill in Scotland?**

Please tick the appropriate box

- ☐ Not involved in the consultation process at all
- ☐ A response has been submitted on behalf of the organisation by a representative body
- ☐ The organisation has directly submitted a response to the consultation document
- ☐ The organisation has submitted a response and has had *infrequent* contact with Ministers, MSPs and/or Civil Servants (please go to question 21)
- ☐ The organisation has submitted a response and has had *regular* contact with Ministers, MSPs and/or Civil Servants (please go to question 21)

Q20. If your organisation has never been contacted by Scottish Ministers, Civil Servants, or Committee members to participate in the consultation process, but you would be willing to offer your expertise, what, in your opinion, are the reasons why the Scottish Executive and Committee members have not approached your organisation?

Q21. From your experience, to what extent is the policy process at Holyrood <b>open and accessible</b> to organised interests, such as your own? For example have you been invited into the policy process? Are MSPs accessible? Do you feel that the Ministers are approachable?	<b>Parliament</b> (e.g., MSPs)	<b>Executive</b> (e.g., Scottish Ministers)
	<input type="checkbox"/>	<input type="checkbox"/> I/we have no experience
	<input type="checkbox"/>	<input type="checkbox"/> Not at all open and accessible
	<input type="checkbox"/>	<input type="checkbox"/> Not very open and accessible
	<input type="checkbox"/>	<input type="checkbox"/> Moderately open and accessible
	<input type="checkbox"/>	<input type="checkbox"/> Very open and accessible
	<input type="checkbox"/>	<input type="checkbox"/> Extremely open and accessible

*Please tick the most relevant box for each category.*

Q22. From your experience, to what extent is the policy process at Holyrood <b>responsive</b> to organised interests, such as your own? For example do you feel that the MSPs and Scottish Ministers take on board what you are suggesting?	<b>Parliament</b> (e.g., MSPs)	<b>Executive</b> (e.g., Scottish Ministers)
	<input type="checkbox"/>	<input type="checkbox"/> I/we have no experience
	<input type="checkbox"/>	<input type="checkbox"/> Not at all responsive
	<input type="checkbox"/>	<input type="checkbox"/> Not very responsive
	<input type="checkbox"/>	<input type="checkbox"/> Moderately responsive
	<input type="checkbox"/>	<input type="checkbox"/> Very responsive
	<input type="checkbox"/>	<input type="checkbox"/> Extremely responsive

*Please tick the most relevant box for each category.*

Q23. Do you feel that the Scottish Parliament, and more specifically, the Ministers, Civil Servants and Committee Members have implemented/acted upon any of the suggestions that your organisation has made?	<input type="checkbox"/>	Unable to comment because never been involved with the Scottish Parliament
	<input type="checkbox"/>	Unable to comment because never suggested a course of action
	<input type="checkbox"/>	None of our recommendation(s) have been accepted
	<input type="checkbox"/>	Some of our recommendation(s) have been accepted
	<input type="checkbox"/>	Most of our recommendation(s) have been accepted
	<input type="checkbox"/>	Do not know - never received any feedback

*Please tick the appropriate box*

<p>Q24. From your experience, to what extent is the policy process at Westminster <b>open and accessible</b> to organised interests, such as your own? For example have you been invited into the policy process? Are MPs accessible?  <i>Please tick the most relevant one.</i></p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>I/we have no experience at Westminster</p> <p>Not at all open and accessible</p> <p>Not very open and accessible</p> <p>Moderately open and accessible</p> <p>Very open and accessible</p> <p>Extremely open and accessible</p>
<hr/>		
<p>Q25. Which political route(s) do you believe to the most effective in tackling housing problems and homelessness?  <i>Please tick one.</i></p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>British Level at Westminster</p> <p>Scottish Level at Holyrood.  (Please go to question 27)</p> <p>Both the British Level and the Scottish Level.  (Please go to question 28)</p>
<hr/>		
<p>Q26. As someone who believes that Westminster is the most effective route to influence the policy process concerning housing and homelessness, please indicate the reasons why by ticking the relevant boxes and circle the most important.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Westminster has many different points of access, for example various committees, 2 debating chambers</p> <p>Westminster is more accessible and responsive to our concerns</p> <p>Westminster consults with us regularly to avoid 'information overload'. In other words, Westminster has so many public policy competencies that they actively encourage interest group involvement</p> <p>Most or all of the important decisions are taken at Westminster</p> <p>Financial control ultimately resides at Westminster</p> <p>Power ultimately resides at Westminster</p> <p>Other. Please specify</p> <p>_____</p> <p>_____</p> <p>(please go to question 29)</p>

Q27. As someone who believes that Holyrood is the most effective route to influence the policy process concerning housing and homelessness, please indicate the reasons why by ticking the relevant boxes and circle the most important.

- ☐ Holyrood has many different points of access, for example Government Ministers, various committees
- ☐ Holyrood is geographically more accessible
- ☐ Holyrood is responsive to our concerns
- ☐ The Committee structure at Holyrood actively encourages interest group input
- ☐ Many public policy competencies have been devolved to Holyrood
- ☐ A large degree of financial control has been devolved to Holyrood
- ☐ Housing and homelessness have been devolved to Holyrood
- ☐ Other. Please specify

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(please go to question 29)

Q28. As someone who believes that both Westminster and Holyrood is the most effective combination of routes to influence the policy process concerning housing and homelessness, please indicate the reasons why, by ticking the relevant boxes and circle the most important.

- ☐ Westminster and Holyrood have many different points of access, for example MPs and MSPs and various committees at Westminster and Holyrood
- ☐ Both Westminster and Holyrood are responsive to our concerns
- ☐ Both Westminster and Holyrood are geographically accessible for our organisation
- ☐ Both Westminster and Holyrood have, to a greater or lesser extent, financial control
- ☐ Although many public policy competencies have been devolved to Holyrood, Westminster still controls important areas such as Housing Benefit
- ☐ Housing and homelessness are policy areas which affect both reserved and devolved matters
- ☐ Other. Please specify

---

Q29. Were you involved in the consultation process in the Housing (Scotland) Act 1988?  
Please tick the appropriate box

- ☐ Yes
- ☐ No (please go to question 31)



---

<p>Q30. Is there any difference in the style and nature of the consultation process between the Housing Act in 1988 and the forthcoming Housing Bill in the Scottish Parliament? Please tick the appropriate box</p>	<input type="checkbox"/>	There is no difference
	<input type="checkbox"/>	The consultation process in the Housing (Scotland) Act 1988 was a more <b>positive</b> experience. Please specify the reasons why
	<input type="checkbox"/>	The consultation process in the Housing (Scotland) Act 1988 was a more <b>negative</b> experience. Please specify the reasons why

---

<p>Q31. The Civic Forum has been funded by the Scottish Executive to encourage the involvement of all sections of society in the policy process. Have you been involved in the Civic Forum? Please tick the appropriate box</p>	<input type="checkbox"/>	I have never heard of it
	<input type="checkbox"/>	I have heard of it, but I have not been involved in it
	<input type="checkbox"/>	I have been involved in the Civic Forum but I am unsure of its effectiveness. Please specify the reasons why
	<input type="checkbox"/>	I have been involved in the Civic Forum and I am encouraged by its effectiveness. Please specify the reasons why

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*Thank you very much for completing the questionnaire*

## *Appendix E*

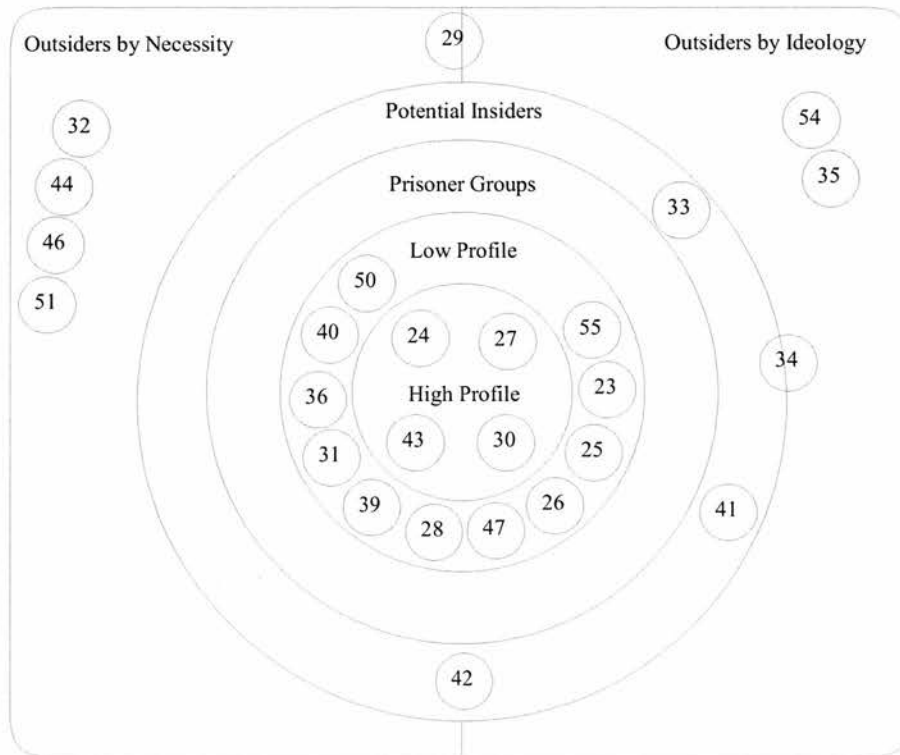
### **Categories of Respondents**

<b>Interview Number</b>	<b>Category</b>	<b>Income Range</b>	<b>Membership</b>
1	Labour/Liberal Democrat MSP		
1a	Labour/Liberal Democrat MSP		
2	Labour/Liberal Democrat MSP		
3	Labour/Liberal Democrat MSP		
4	Labour/Liberal Democrat MSP		
5	Labour/Liberal Democrat MSP		
6	Labour/Liberal Democrat MSP		
7	Opposition MSP		
8	Opposition MSP		
9	Opposition MSP		
10	Opposition MSP		
11	Opposition MSP		
12	Opposition MSP		
13	Opposition MSP		
14	Opposition MSP		
15	Civil Servant		
16	Civil Servant		
17	Civil Servant		
18	Civil Servant		
19	Official		
20	MSP Researcher		
21	Academic		
22	Academic/Special Advisor		
23	Professions	A	Yes
23a	Professions	A	Yes
24	Professions	A	Yes
24a	Professions	A	Yes
25	Professions	A	No
26	Professions	A	Yes
27	Homelessness	A	No
27a	Homelessness	A	No
27b	Homelessness	A	No
28	Homelessness	B	Yes
28a	Homelessness	B	Yes
29	Homelessness	B	No
29a	Homelessness	B	No
30	Homelessness	B	No
31	Homelessness	B	Yes
32	Homelessness	A	Yes
33	Tenant		Yes
34	Tenant	B	Yes
35	Tenant		Yes
36	Tenant		Yes
37	Tenant	A	Yes
38	Tenant	C	Yes
39	Local Government	A	Yes

40	Local Government		
41	Women	B	Yes
42	Women	B	Yes
43	Elderly	A	Yes
43a	Elderly	A	Yes
44	Disability	A	Yes
45	Disability		
46	Disability	A	Yes
47	Children	B	No
48	Children	A	No
49	Children	A	No
50	Ethnic Minorities	A	No
51	Ethnic Minorities	C	Yes
52	Ethnic Minorities		
53	Sexual Equality	C	Yes
54	Environmental	A	Yes
55	Environmental		
56	Church		No

## Appendix F

### Insiders & Outsiders



#### Notes:

**High Profile Insiders:** involves a considerable emphasis on consulting public opinion to reinforce contact with Government (*Grant, 1978:5*).

**Low Profile Insiders:** concentrates entirely on behind the scenes contact with Government (*Grant, 1978:5*).

**Prisoner Groups:** groups who are dependent on Government assistance and find it difficult to break away from an insider relationship (*Grant, 1978:5*).

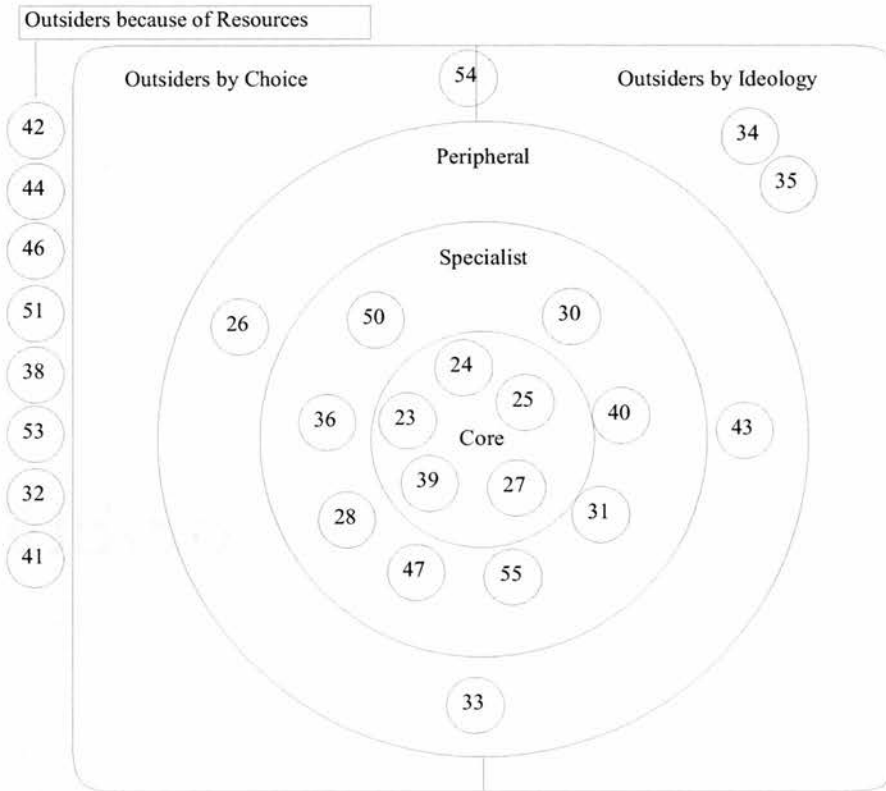
**Potential Insiders:** groups that would desire insider status but face the problem of gaining Government's attention as a prelude to their being consulted as groups which should be consulted in relation to particular policy areas (*Grant, 1978:9*).

**Outsiders by Necessity:** groups who lack the resources and the required understanding of the political system to attain insider status (*Grant, 1978:9*).

**Ideological Outsiders:** groups who oppose the existing political order (*Grant:1978:11*).

## Appendix G

### Insiders & Outsiders



### Notes:

Core Insider Groups: seen as important and relevant sources by policy makers over a broad policy area and as such enjoy regularised participation on a wide range of issues (*Maloney et al, 1994:30*).

Specialist Insider Groups: specialist participants have a more specific interest in restricted policy areas but are seen by policy makers as a reliable and authoritative source of information (*Maloney et al, 1994:30*).

Peripheral Insider Groups: groups whose relevance to a topic is seen by civil servants to be marginal. These groups are accepted as legitimate by civil servants even if comparatively uninfluential (*Maloney et al, 1994:31-33*).

Outsider Groups by ideology or goals : this is usually self selected by the group through its adoption of goals that cannot be accommodation in the consultative process (*Maloney et al, 1994:31*).

Outsiders by Choice: these groups make an explicit policy decision not to become (or to be perceived as) 'ensnared' in a cosy relationship with policy makers. If the goal is realisable through bargaining, this choice might seem perverse but there may be reasons in terms of internal maintenance of the organisation that might push a group in this direction (*Maloney et al, 1994:31*).

Outsiders because of Resources: groups who lack the necessary resources such as finance, staff, technical expertise, knowledge, time and political skills to penetrate the inside loop.

## Appendix H

### Interest Group Typology

Organisation/ Respondent	Income Range	Membersh ip	Submi tted writte n eviden ce to consul tation docum ent	Sub mitte d writt en evide nce to Com mittee es	Sub mitte d oral eviden ce to Com mittee es	Contact with MSPs	Me mbe r of Tas k For ce/ Wor king Gro up	Contact with civil service	Contact with Ministe r	Out side r tact ics
23	A	Yes	Yes	Yes	Yes	Frequent	5	Frequent	Yes	No
24	A	Yes	Yes	Yes	Yes	Frequent	6	Frequent	Yes	Yes
25	A	No	Yes	Yes	Yes	No	7	Frequent	Yes	No
26	A	Yes	Yes	Yes	Yes	Ad hoc	2	Frequent	Yes	No
27	A	No	Yes	Yes	Yes	Frequent	5	Frequent	Yes	No*
28	B	Yes	Yes	Yes	Yes	Frequent	2	Frequent	Yes	No
29	B	No	Yes	Yes	Yes	Ad hoc	No	Ad hoc*	No	No
30		No	No	No	No	No	1	Frequent*	Yes*	No
31	B	Yes	Yes	Yes	Yes	Ad hoc	1	Frequent*	Yes*	No
32	A	Yes	No	No	No	No	No	No	No	No
33		Yes	Yes	Yes	Yes	Ad hoc	2	Ad hoc	No	No
34	B	Yes	No	Yes	Yes	Ad hoc	No	No	No	No
35		Yes	Yes	Yes	Yes	Ad hoc	2	Ad hoc*	Ad hoc*	Yes
36		No	Yes	Yes	Yes	Ad hoc	2	Ad hoc	No	No
37	A	Yes	Yes	No	No	No	No	No	No	No
38	C	Yes	Yes	No	No	Ad hoc	No	No	No	No
39	A	Yes	Yes	Yes	Yes	Frequent	6	Frequent	Yes	No
40		No	Yes	Yes	Yes	No	1	Frequent	Yes	No
41	B	Yes	Yes	Yes	Yes	Ad hoc	No	No	No	No
42	B	Yes	Yes	Yes	Yes	Ad hoc	No	No	No	No
43	A	Yes	Yes	Yes	Yes	Frequent	No	Ad hoc	No	No*
44			Yes	Yes	Yes	Frequent	No	No	No	No
45	A	Yes	No	No	No	Ad hoc	No	Ad hoc	No	No
46			No	Yes	Yes	No	No	No	No	No
47	B	No	Yes	Yes	Yes	Ad hoc	No	Ad hoc	No	No
48	A	No	Yes	No	No		No			
49	A	No	No	No	No		No			
50	A	No	Yes	Yes	Yes	Ad hoc	No	Ad hoc		No
51	C	Yes	Yes	Yes	Yes	Ad hoc	No	No	No	No
52			Yes	Yes	Yes	No	No	No	No	No
53	C	Yes	Yes	Yes	Yes	Frequent	No	No	No	No
54	A	Yes	Yes	Yes	Yes	Frequent	No	Ad hoc	No	Yes
55		No	Yes	Yes	No	Frequent	No	Frequent	Yes	No
56		No	No	No	No	Ad hoc	No	No	No	No

### Notes

Income categories:



A - over £1million  
B - £75,000 - £1million  
C - under £75,000

**Membership:**

Does the organisation have members to represent?

**Member of Task Force/Working Group:**

This includes membership of Homelessness Task Force and formal Working Groups. This does not include sub-groups that are often formed out of the formal Working Groups.

**Contact:**

Frequent contact is defined as regular contact by 'phone, e-mail or in person.

Ad Hoc contact is defined as contact once or more but with no regularity. Again this can include 'phone, e-mail or contact in person.

**Outsider tactics** include demonstrations, campaigns, protests and issuing negative press releases of the Executive.

Blank entries denote insufficient information.

\*[27] Did not directly engage in outsider tactics but was a member of the Warm Homes Campaign which issued very negative press releases of the Executive.

\*[29] This relates to the organisation giving a presentation to the Homelessness Task Force which was chaired by a senior civil servant. It does not relate to one-to-one meetings that took place between the group and the civil service.

\*[30] Frequent contact with civil servants and the Minister relates directly to this organisation being represented on the Homelessness Task Force.

\*[31] See [30].

\*[35] Ad hoc contact with the civil service and the Minister relates directly to membership of two Working Groups and does not refer to any one-to-one meetings.

\*[43] Did not directly engage in outside tactics but was a member of the Warm Homes Campaign which issued very negative press releases of the Executive.

## Appendix I

### Comparing the Task Force Recommendations with the Proposals in the Consultation Document

Task Force Recommendations	Proposals in Consultation Document
Local authorities should be placed under a duty to produce strategies for preventing and tackling homelessness (pp2)	Strengthening local authorities' duties towards homeless people (pp61)
Statutory duty should be placed on local authorities to secure advice and information about housing and other services to any person at risk from homelessness (pp3)	Strengthen local authorities' duty to provide an appropriate level of advice and assistance to homeless people and to those threatened with homelessness (pp62)
Extend the right to register on a housing list to all people who are aged 16 or over and who are not excluded by other legislation (pp5)	Create a new right to register on a housing list for everyone aged sixteen or over who is not specifically excluded by other legislation (pp62)
Duty to be placed on the local authority when placing unintentionally homeless people in priority need that this should be in permanent accommodation - by that we mean long term accommodation (pp6)	Where a homeless person has been assessed as being unintentionally homeless and in priority need, the local authority should provide permanent accommodation which should be long term (pp61)
Linked to the above point, the legislation should stipulate that the accommodation must be suitable, as regards, size, fitness for habitation, special needs etc. (pp6)	The accommodation provided will also be required to be appropriate for the needs of the applicant in terms of size, fitness for habitation and special needs of the applicant and members of their household (pp61)
Provisions which enables minimum rights and responsibilities for individuals living in hostels to be specified in subordinate legislation (pp7)	At present homeless people living in hostels have no rights in relation to their accommodation. We propose to change this by introducing minimum rights and responsibilities for people living in hostels which will be set out in secondary legislation (pp63)
A Statutory duty on a registered social landlord to comply with the request from a local authority to house a person or household which has been assessed as unintentionally homeless and in priority need (pp8)	Registered social landlords will have new duties to accept homeless people when requested by a local authority (pp66)
Local authorities should be placed under a statutory duty to draw up homelessness strategies for preventing and tackling homelessness (pp10)	Local authorities will have a new duty to produce local homelessness strategies (pp66)
An arbiter should be appointed in the case of a disagreement between a local authority and a registered social landlord. The arbiter would decide whether the registered social landlord does or does not have good reason to decline the request from the local authority (pp11)	In circumstances where there is disagreement over the reasonableness of the registered social landlord declining a nomination from the local authority, the legislation will allow for the appointment of an independent arbiter. Each local authority would have to agree a list of arbiters in advance (pp65)

*[Information relating to the Recommendations of the Task Force comes from 'Helping Homeless People: The Legislative Proposals on Homelessness' (2000) and the information relating to the Proposals in the Consultation Document comes from 'Better Homes for Scotland's Communities': The Executive's Proposals for the Housing Bill (2000). Both are published by the Scottish Executive]*

## *Appendix J*

### **Housing Interests Group**

The Housing Interests Group first met in June 1999. Its purpose was to discuss the Executive's housing agenda, including the proposals in the Housing green paper and strategic issues for inclusion in the Housing (Scotland) Bill. The group was chaired by the Minister for Social Justice in addition to civil servants from the Scottish Executive and the full membership included:

<b>Name</b>	<b>Organisation</b>
Robert Aldridge	Scottish Council for Single Homeless
David Alexander	Scottish Federation of Housing Associations
David Chalmers	Council of Mortgage Lenders
Alan Ferguson	Chartered Institute of Housing
Hugh Hall	Scottish Homes
Franchea Kelly	CoSLA
Liz Nicholson	Shelter
John Carracher	Scottish Tenants Organisation

### **Working Group on Single Social Tenancy**

A working group met between February 2000 and May 2001 to oversee the production of a model tenancy agreement for the new Scottish Secure Tenancy envisaged by the Housing (Scotland) Bill. The group was made up of the following members in addition to civil servants from the Scottish Executive.

<b>Name</b>	<b>Organisation</b>
Geralyn Lewis	Scottish Federation of Housing Associations
Kenny Simpson	CoSLA
Ann Cunningham	Scottish Homes
Michael Thain	Chartered Institute of Housing
Adrain Stalker	Shelter
Linda Spence	Scottish Tenants Organisation
Marion Brown	Tenant Involvement in the Islands, Grampian and Highland Rural Areas
Lesley Baird	Tenant Participation Advisory Service
Ilene Campbell	Tenants Information Service
Derek O'Carroll	Consultant

### **Short Life Right to Buy Working Group**

A short-life right to buy Working Group met between July and December 2000 to consider the implications and details of the various proposals contained in the Housing (Scotland) Bill which related to the right to buy. The group was made up of the following members in addition to civil servants from the Scottish Executive.

<b>Name</b>	<b>Organisation</b>
Keith Anderson	CoSLA
David Alexander	Scottish Federation of Housing Associations
Gavin Corbett	Chartered Institute of Housing
Tony O'Sullivan	Scottish Homes
David Chalmers	Council of Mortgage Lenders
Lorna Clark	Shelter

### **Working Group on Implementation of Part Two of the Housing (Scotland) Act 2001**

A Housing Bill Implementation Working Group was set up in June 2001 to oversee the implementation of the provisions of Part 2 of the Housing (Scotland) Act. The group was made up of the following members in addition to civil servants from the Executive.

<b>Name</b>	<b>Organisation</b>
Alan McKeown	CoSLA
Elaine Zwirlein	CoSLA
Karen Watt	Scottish Homes
David Bookbinder	Scottish Federation of Housing Associations
Linda Ewart	Scottish Federation of Housing Associations
Michael Thain	Chartered Institute of Housing
Marion Gibb	Shelter
Lesley Baird	Tenant Participation Advisory Service
Isabel Wilson	Tenants Information Service

### **Homelessness Task Force**

The Homelessness Task Force was established in August 1999, with a remit to: 'review the causes and nature of homelessness in Scotland; to examine current practice in dealing with cases of homelessness; and to make recommendations on how homelessness in Scotland can best be prevented and, where it does occur, tackled effectively'.

The Task Force was chaired by the Social Justice Minister and the Head of the Development Department. The others were:

<b>Name</b>	<b>Organisation</b>
Robert Aldridge	Scottish Council for Single Homeless
David Alexander	Scottish Federation of Housing Associations
Pat Bagot	Scottish Homes
Suzanne Fitzpatrick	Glasgow University
Paul Howarth	Department of Work and Pensions
Rita Miller	CoSLA
Liz Nicholson	Shelter
Catriona Renfrew	Greater Glasgow Health Board
Margaret Taylor	Glasgow Council for Single Homeless
Mark Turley	CoSLA/Head of Housing Dept Edinburgh Council
Bill Robertson	Scottish Association of Social Work Directors
Mel Young	Big Issue in Scotland

### **Single Housing Plans Group**

The Single Housing Plans Group was established in February 2000 with a view to taking forward the Housing green paper proposal for a single housing plan for each local authority. Membership of the group, chaired by Professor Duncan McLennan and attended by civil servants comprised:

<b>Name</b>	<b>Organisation</b>
Tony O'Sullivan	Scottish Homes
Alistair Dee	Scottish Homes
Alan Ferguson	Chartered Institute of Housing
David Alexander	Scottish Federation of Housing Associations
Kenny Simpson	CoSLA
Jim Hayton	South Lanarkshire Council

Keith Anderson	City of Edinburgh Council
Jill Stewart	Highland Council

### **Scottish Homes Steering Group**

A group was formed to address the issues arising from the provision within the Act for the transfer of Scottish Homes' functions, staff and property to the Scottish Ministers. Its members were senior Scottish Executive Development Department and Scottish Homes officials. Three sub-groups were established to look in detail at Finance, Structures and Staff. A Transitional Issues Group was also established which involved the Secretary of the Scottish Executive Development Department and the Chief Executive of Scottish Homes.

### **Grants to Housing Associations**

The Housing Act gave Scottish Ministers the power to withdraw grants under section 54 of the Housing Act 1988 from Housing Associations. The Executive made a commitment to set up a joint group with the Scottish Federation of Housing Associations to consider the effects of this.

*[Information obtained from the response to the following parliamentary question: S1W - 16839]*

*Appendix K*

**The committees' evidence taking stage**

<b>Committee</b>	<b>Date/Meeting no.</b>	<b>Evidence given by</b>
Social Justice	13 September 2000 28th Meeting	Scottish Council for Single Homeless Shelter
	20 September 2000 29th Meeting	Law Society of Scotland Citizens Advice Bureau
	27 September 2000 30th Meeting	COSLA City of Edinburgh Council Scottish Homes
	4 October 2000 31st Meeting	Dunfermline Building Society Northern Rock PLC Bank of Scotland Council of Mortgage Lenders Jackie Baillie MSP Frank McAveety MSP
	15 November 2000 35th Meeting	Age Concern Scotland
	22 November 2000 36th Meeting	Scottish Churches Housing Agency Church of Scotland Board of Social Responsibility Salvation Army
	29 November 2000 37th Meeting	Engender Scottish Women's Aid SAY Women
	6 December 2000 38th Meeting	Scottish Council of Voluntary Organisations Cumbernauld YMCA Aberdeen Foyer
	10 January 2001 1st Meeting	Friends of the Earth Association for the Conservation of Energy Shelter Age Concern Scotland
	17 January 2001 2nd Meeting	Chartered Institute of Housing Scottish Executive
	24 January 2001 3rd Meeting	Scottish Tenants Organisation Tenants Information Service Tenants Participatory Advisory Service Ardler Steering Group Scottish Trades Union Council
	31 January 2001 4th Meeting	COSLA Scottish Federation of Housing Associations
	7 February 2001 5th Meeting	Council of Mortgage Lenders Scottish Homes
	14 February 2001 6th Meeting	Jackie Baillie MSP Margaret Curran MSP



<b>Committee</b>	<b>Date/Meeting no.</b>	<b>Evidence given by</b>
Equal Opportunities	21 November 2000 22nd Meeting	Visualise
	5 December 2000 23rd Meeting	Scottish Disability Housing Network Capability Scotland
	19 December 2000 24th Meeting	Scottish Refugee Council
	16 January 2001 1st Meeting	Equality Network
	30 January 2001 2nd Meeting	Jackie Baillie MSP Margaret Curran MSP Commission for Racial Equality
	13 February 2001 3rd Meeting	Positive Action in Housing

<b>Committee</b>	<b>Date/Meeting no.</b>	<b>Evidence given by</b>
Local Government	23 January 2001 3rd Meeting	COSLA Glasgow City Council Highland Council North East Housing Planning Alliance Clackmannanshire Council North Lanarkshire Council
	31 January 2001 4th Meeting	Shelter Scottish Council for Single Homeless South Ayrshire Council

*Appendix L*

**Amendments Tabled at Stage Two**

No.	Amendment Number	Tabled by	Pass/fail	Division
1	A25	Executive	pass	yes
2	A6	Liberal Democrat (but moved by SNP)*	fail	yes
3	A66	SNP	fail	yes
4	A67	Labour	not moved	
5	A29	Executive	pass	yes
6	A30	SNP	fail	yes
7	A69	SNP	fail	yes
8	A31	SNP	not moved	
9	A70	SNP	fail	yes
10	A71	SNP	fail	yes
11	A32	SNP	not moved	
12	A72	SNP	not moved	
13	A33	SNP	fail	yes
14	A73	SSP	fail	yes
15	A74	SNP	fail	yes
16	A76	Labour (but moved by SNP)	fail	yes
17	A34	SNP	fail	yes
18	A80	Liberal Democrat	fail	yes
19	A81	Liberal Democrat	fail	yes
20	A35	SNP	fail	yes
21	A82	Liberal Democrat	not moved	
22	A78	Labour	not moved	
23	A83	SNP	fail	yes
24	A9	Liberal Democrat (but moved by SNP)	fail	yes
25	A10	Liberal Democrat	fail	yes
26	A36	Executive	pass	no
27	A85	SNP	fail	yes
28	A84	SNP	fail	yes
29	A37	SNP	withdrawn	
30	A38	SNP	fail	yes
31	A39	Executive	pass	no
32	A11	Liberal Democrat	fail	yes
33	A87	SNP	fail	yes
34	A107	SNP	fail	yes
35	A108	SNP	fail	yes
36	A109	SNP	fail	yes
37	A88	SNP	fail	yes
38	A12a	SNP	fail	yes
39	A12	Liberal Democrat	fail	yes
40	A89	Liberal Democrat	fail	yes
41	A86	Liberal Democrat	withdrawn	
42	A40	SNP	fail	yes
43	A41	Executive	pass	no
44	A159	Liberal Democrat	not moved	
45	A13	Liberal Democrat	fail	yes
46	A90	Liberal Democrat	not moved	
47	A42	Executive	pass	no
48	A15	Liberal Democrat	not moved	
49	A91	Liberal Democrat	not moved	
50	A43	Executive	pass	no

51	A92	SNP	fail	yes
52	A16	Liberal Democrat	fail	yes
53	A160a	Liberal Democrat	pass	yes
54	A160b	Liberal Democrat	not moved	
55	A160c	Liberal Democrat	fail	yes
56	A160	Executive	pass	yes
57	A161	Liberal Democrat	fail	yes
58	A45	Executive	fail	yes
59	A93	SNP	pass	yes
60	A162	Liberal Democrat (pre-empted)	withdrawn	
61	A114	Labour	not moved	
62	A46	SNP	fail	yes
63	A47	Executive	pass	yes
64	A48	SNP (pre-empted)	withdrawn	
65	A163	Liberal Democrat	fail	yes
66	A49	Executive	pass	no
67	A115a	Liberal Democrat	fail	yes
68	A115b	Liberal Democrat	not moved	
69	A164	Liberal Democrat	fail	yes
70	A115	Executive	pass	no
71	A51	Executive	pass	no
72	A3	Labour	not moved	
73	A4	Labour	not moved	
74	A17	Liberal Democrat	withdrawn	
75	A5	Labour	not moved	
76	A52	Executive	pass	no
77	A53	Executive	pass	no
78	A54	SNP	fail	yes
79	A111	SNP	fail	yes
80	A94	SSP	fail	yes
81	A96	SSP	not moved	
82	A165	Liberal Democrat	not moved	
83	A97	Labour	pass	no
84	A106	SSP	fail	no
85	A55	Executive	pass	no
86	A18	Conservative	fail	yes
87	A19	Conservative	fail	yes
88	A20	Liberal Democrat	pass	yes
89	A98	SSP	fail	yes
90	A99	Liberal Democrat	withdrawn	
91	A100	SNP	fail	yes
92	A101	SSP	fail	no
93	A56	Executive	pass	yes
94	A56a	Liberal Democrat	withdrawn	
95	A102	SNP	fail	yes
96	A57a	SNP	withdrawn	
97	A57b	SNP	not moved	
98	A57	Executive	pass	no
99	A58	SNP	not moved	
100	A116	Executive	pass	no
101	A21	Liberal Democrat	not moved	
102	A59	SSP	fail	yes
103	A60	Labour	pass	no
104	A61	Labour	pass	no
105	A62	Labour	pass	no
106	A103	Labour	not moved	

107	A117	Executive	pass	no
108	A63	SSP	fail	yes
109	A23	Liberal Democrat	fail	yes
110	A23a	SNP	fail	yes
111	A24	Liberal Democrat	not moved	
112	A24a	SNP (pre-empted)	withdrawn	
113	A24b	SNP (pre-empted)	withdrawn	
114	A190	SNP	fail	yes
115	A166	Liberal Democrat	withdrawn	
116	A118	Executive	pass	no
117	A167	Liberal Democrat (pre-empted)	withdrawn	
118	A120	SNP (pre-empted)	withdrawn	
119	A121	Executive	pass	no
120	A122	Executive	pass	no
121	A123	Executive	pass	no
122	A168	Liberal Democrat	not moved	
123	A124	Executive	pass	no
124	A125	Executive	pass	no
125	A191	SNP	not moved	
126	A126	Executive	pass	no
127	A169	Liberal Democrat	withdrawn	
128	A170	Liberal Democrat	fail	yes
129	A171	Liberal Democrat	fail	yes
130	A172	Liberal Democrat	fail	yes
131	A127	Executive	pass	yes
132	A128	SNP	not moved	
133	A173	Liberal Democrat	not moved	
134	A192	Liberal Democrat	not moved	
135	A215	SSP	withdrawn	
136	A129	SNP	fail	yes
137	A216	SSP	fail	yes
138	A130	SNP	not moved	
139	A217	SSP	not moved	
140	A131	Executive	pass	no
141	A132	Executive	pass	no
142	A133	Executive	pass	no
143	A134	Executive	pass	no
144	A174	Liberal Democrat	fail	yes
145	A175	Liberal Democrat	not moved	
146	A135	Executive	pass	no
147	A218	SSP	fail	yes
148	A219	SSP	not moved	
149	A137	Conservative	fail	yes
150	A220	SNP	not moved	
151	A138	SNP	not moved	
152	A139	SNP	fail	yes
153	A140	SNP	fail	yes
154	A141	Conservative	not moved	
155	A142	Executive	pass	no
156	A143	Executive	pass	no
157	A297	SNP	fail	yes
158	A298	SSP	fail	yes
159	A176	Liberal Democrat	pass	yes
160	A177	Labour	pass	yes
161	A299	SSP	fail	no
162	A178	SNP	not moved	

163	A179	Liberal Democrat	not moved	
164	A300	SSP	fail	yes
165	A180	Liberal Democrat	not moved	
166	A181	Labour	pass	no
167	A301	SSP	fail	yes
168	A144	Executive	pass	yes
169	A302	SSP	fail	yes
170	A303	SSP	fail	yes
171	A292	Executive	pass	no
173	A182	Liberal Democrat (but moved by SNP)	fail	yes
174	A304	SSP	fail	yes
175	A305	SSP	fail	no
176	A293	Executive	pass	no
177	A306	Labour	withdrawn	
178	A307	Labour	pass	no
179	A145	SNP	not moved	
180	A146	Executive	pass	no
181	A147	SNP	not moved	
182	A194	SNP	not moved	
183	A148	Executive	pass	no
184	A149	SNP	not moved	
185	A183	Liberal Democrat	withdrawn	
186	A308	Labour	pass	no
187	A150	Executive	pass	yes
188	A150a	Liberal Democrat	not moved	
189	A309	Liberal Democrat	pass	no
190	A151	Executive	pass	yes
191	A184	Liberal Democrat	not moved	
192	A310	SSP	withdrawn	
193	A152	Executive	pass	yes
194	A153	Conservative	fail	yes
195	A311	SNP	fail	yes
196	A294	Executive	pass	no
197	A154	Executive	pass	no
198	A155	Executive	pass	no
199	A222	SNP	fail	yes
200	A339	SSP	fail	no
201	A312	SNP	fail	yes
202	A317	Executive	pass	no
203	A340	SSP	fail	no
204	A341	SNP	withdrawn	
205	A156	Executive	pass	no
206	A313	Labour	pass	no
207	A343	SNP	fail	yes
208	A185	Liberal Democrat	not moved	
209	A344	SSP	not moved	
210	A345	SNP	fail	yes
211	A346	SNP	fail	yes
212	A318	Executive	pass	no
213	A347	Liberal Democrat	not moved	
214	A348	SNP	fail	yes
215	A319	Executive	pass	no
216	A349	SSP	not moved	
217	A323	Conservative	fail	yes
218	A350	SNP	fail	yes
219	A351	SNP	fail	yes

220	A324	Liberal Democrat	not moved	
221	A352	SNP	fail	yes
222	A353	SNP	fail	yes
223	A354	SNP	fail	yes
224	A325	Liberal Democrat	fail	yes
225	A355	SNP	fail	yes
226	A195	SNP	fail	yes
227	A196	SNP	fail	no
228	A320	Executive	pass	no
229	A321	Executive	pass	no
230	A356	SNP	fail	yes
231	A326	Liberal Democrat	pass	no
232	A357	SNP	fail	yes
233	A327	Liberal Democrat	not moved	
234	A197	SNP	fail	no
235	A358	SNP	fail	yes
236	A359	SNP	fail	yes
237	A360	SNP	fail	yes
238	A361	SNP	fail	yes
239	A362	SNP	fail	yes
240	A363	SNP	fail	yes
241	A328	Liberal Democrat	not moved	
242	A364	SSP	not moved	
243	A365	SNP	withdrawn	
244	A366	SNP	fail	yes
245	A367	SNP	fail	yes
246	A368	SSP	not moved	
247	A198	SNP	withdrawn	
248	A369	SSP	not moved	
249	A322	Executive	pass	no
250	A370	Liberal Democrat	withdrawn	
251	A371	SNP	fail	yes
252	A223	Labour	pass	no
253	A372	SNP (pre-empted)	withdrawn	
254	A224	Labour	pass	no
255	A224a	SNP	fail	yes
256	A373	Liberal Democrat	not moved	
257	A374	SNP	fail	yes
258	A375	SNP	fail	yes
259	A376	SNP	fail	yes
260	A377	SSP	not moved	
261	A329	Green	not moved	
262	A378	Liberal Democrat	not moved	
263	A379	SSP	not moved	
264	A330	Liberal Democrat	withdrawn	
265	A380	SSP	not moved	
266	A331	SNP	withdrawn	
267	A187	SNP	not moved	
268	A188	SNP	not moved	
269	A381	Labour	pass	no
270	A332	Liberal Democrat	not moved	
271	A382	Labour	pass	no
272	A333	Liberal Democrat	pass	no
273	A383	SNP	not moved	
274	A384	SNP	not moved	
275	A385	Labour	pass	no



276	A335	Liberal Democrat	not moved	
277	A386	Labour	pass	no
278	A387	Labour	pass	no
279	A388	Labour	withdrawn	
280	A410	SNP	withdrawn	
281	A411	SNP	not moved	
282	A412	SNP	not moved	
283	A413	SNP	not moved	
284	A414	SNP	pass	yes
285	A391	Executive	pass	yes
286	A415	SNP	pass	no
287	A416	SNP	not moved	
288	A417	SNP	not moved	
289	A392	Executive	pass	yes
290	A418	SNP	withdrawn	
291	A419	SNP	not moved	
292	A393	Executive	pass	no
293	A420	SNP	not moved	
294	A394	Executive	pass	no
295	A421	SNP	not moved	
296	A422	SNP	fail	yes
297	A434	SNP	fail	yes
298	A423	SNP	fail	yes
299	A424	SNP	not moved	
300	A425	SNP	fail	yes
301	A426	SNP	not moved	
302	A427	Liberal Democrat	not moved	
303	A428	Liberal Democrat	not moved	
304	A429	SNP	not moved	
305	A430	SNP	fail	yes
306	A431	SNP	withdrawn	
307	A336	Conservative	withdrawn	
308	A112	SSP	fail	yes
309	A337	SNP	not moved	
310	A395	Executive	pass	no
311	A342	SNP	not moved	
312	A396	Executive	pass	no
313	A433	SNP	fail	yes
314	A201	SNP	fail	yes
315	A439	SNP	fail	yes
316	A440	SNP	fail	yes
317	A202	SNP	not moved	
318	A441	Conservative	not moved	
319	A442	SNP	fail	yes
320	A443	SNP	not moved	
321	A203	SNP	not moved	
322	A205	SNP	not moved	
323	A206	SNP	not moved	
324	A435	Executive	pass	no
325	A435a	Labour	pass	no
326	A435b	Labour	pass	no
327	A435c	Labour	pass	no
328	A435d	Labour	pass	no
329	A444	SNP	fail	yes
330	A445	SNP	fail	yes
331	A446	SNP	fail	no

332	A397	Liberal Democrat	not moved	
333	A447	SNP	fail	yes
334	A398	Liberal Democrat	not moved	
335	A113	SSP	fail	yes
336	A448	Liberal Democrat	pass	yes
337	A449	Labour	not moved	
338	A399	Liberal Democrat	not moved	
339	A450	Labour	not moved	
340	A451	SNP	fail	yes
341	A452	Labour	not moved	
342	A436	Executive	pass	no
343	A453	Labour (but moved by SNP)	fail	yes
344	A454	SNP	fail	yes
345	A104	Labour (pre-empted)	withdrawn	
346	A455	SNP	not moved	
347	A456	SNP	not moved	
348	A457	SNP	not moved	
349	A458	SNP	not moved	
350	A459	SNP	fail	yes
351	A401	Executive	pass	no
352	A460	SNP	fail	yes
353	A461	SNP	fail	yes
354	A462	SSP	fail	yes
355	A210	SNP	fail	yes
356	A463	Liberal Democrat	withdrawn	
357	A464	SNP	fail	yes
358	A465	SNP	fail	yes
359	A466	SNP	not moved	
360	A402	Executive	pass	no
361	A467	SNP	not moved	
362	A403	Executive	pass	no
363	A404	Executive	pass	yes
364	A468	SNP	fail	yes
365	A469	SNP	not moved	
366	A470	SNP	fail	yes
367	A437	Executive	pass	no
368	A471	SNP	fail	yes
369	A472	Executive	pass	no
370	A473	SNP	fail	yes
371	A474	Labour	withdrawn	
372	A475	SNP	fail	yes
373	A476	Labour	not moved	
374	A477	SNP	fail	yes
375	A295	SNP	not moved	
376	A478	SNP	not moved	
377	A479	SNP	fail	yes
378	A480	SNP	fail	yes
379	A289	SNP	fail	yes
380	A290	SNP	fail	yes
381	A481	SNP	fail	yes
382	A482	SNP	fail	yes
383	A484	SSP	fail	yes
384	A485	SSP	fail	yes
385	A483	SNP	fail	yes
386	A211	SNP	fail	yes
387	A486	SSP	fail	yes

388	A487	SSP	fail	yes
389	A488	SSP	fail	yes
390	A405	Liberal Democrat	not moved	
391	A489	SNP	fail	yes
392	A406	Liberal Democrat	not moved	
393	A490	SNP	fail	yes
394	A491	SNP	fail	yes
395	A492	SNP	fail	yes
396	A493	SNP	fail	yes
397	A494	Liberal Democrat	pass	no
398	A212	SNP	fail	yes
399	A338	Green	fail	yes
400	A407	SNP	fail	yes
401	A408	Executive	pass	no
402	A221	SNP	fail	yes
403	A314	Labour	not moved	
404	A315	Liberal Democrat	not moved	
405	A495	SSP	fail	yes
406	A496	SNP	fail	yes
407	A105	SNP	fail	yes
408	A409	Executive	pass	no
409	A497	Executive	pass	no
410	A157	Executive	pass	no
411	A213	SNP	fail	yes
412	A389	SNP	not moved	
413	A390	SNP	not moved	
414	A214	SNP	not moved	
415	A498	Executive	pass	no
416	A189	SNP	not moved	
417	A158	Executive	pass	no
418	A499	Executive	pass	yes
419	A316	SSP	not moved	
420	A110	SNP	fail	yes
421	A438	Executive	pass	no

\* Some amendments were tabled by MSPs (often on behalf of interest groups) simply to get Executive assurances recorded in the Official Report. Often the SNP insisted these amendments go to a vote even though the MSP who originally drew up the amendment (or was tabling it on behalf of an interest group) had no intention of 'moving' it. A representative from one of the 'Core Insiders' explains the process and rationale:

Cathy Craigie...[for example]...will move the amendment and will speak to it...the way we would normally do a probing amendment is that you have your discussion...[in the committee]....and then you get the guarantees from the Minister...then Cathy will say 'not move' but the assurances are there in the Official Report. That's how you play it - it's to get the guarantee. You don't necessarily want it in the Bill, but you want a guarantee about what guidance is going to come. You lay it, but don't move it. But the way the SNP have been playing it and doing it is that they have been moving amendments that people don't want moved, but then they're always voted down anyway [Respondent 27b].

*Appendix M*

**Executive Amendments Tabled at Stage Three**

<b>Amendment Number</b>	<b>Agreed/Not Agreed</b>
15	Agreed - No Vote
23	Agreed - No Vote
25	Agreed - No Vote
26	Agreed - No Vote
27	Agreed - 66 voted for - 44 voted against
28	Agreed - No Vote
29	Agreed - No Vote
30	Agreed - No Vote
36	Agreed - No Vote
37	Agreed - No Vote
153	Agreed - No Vote
40	Agreed - No Vote
42	Agreed - No Vote
43	Agreed - No Vote
151	Agreed - No Vote
45	Agreed - No Vote
46	Agreed - No Vote
48	Agreed - No Vote
49	Agreed - No Vote
50	Agreed - No Vote
51	Agreed - No Vote
59	Agreed - 68 voted for - 27 voted against
62	Agreed - No Vote
66	Agreed - No Vote
69	Agreed - No Vote
70	Agreed - No Vote
71	Agreed - No Vote
72	Agreed - No Vote
74	Agreed - No Vote
83	Agreed - No Vote
84	Agreed - No Vote
85	Agreed - No Vote
95	Agreed - No Vote
96	Agreed - No Vote
97	Agreed - No Vote
98	Agreed - No Vote
99	Agreed - No Vote
100	Agreed - No Vote
101	Agreed - No Vote
102	Agreed - No Vote
103	Agreed - No Vote
104	Agreed - No Vote
105	Agreed - No Vote
106	Agreed - No Vote
107	Agreed - No Vote
108	Agreed - No Vote
109	Agreed - No Vote
110	Agreed - No Vote
111	Agreed - No Vote
112	Agreed - No Vote

113	Agreed - No Vote
114	Agreed - No Vote
145	Agreed - No Vote
116	Agreed - No Vote
117	Agreed - No Vote
118	Agreed - No Vote
119	Agreed - No Vote
120	Agreed - No Vote
121	Agreed - No Vote
122	Agreed - No Vote
123	Agreed - No Vote
125	Agreed - No Vote
126	Agreed - No Vote
129	Agreed - No Vote
130	Agreed - No Vote
131	Agreed - No Vote
134	Agreed - No Vote
135	Agreed - No Vote
139	Agreed - No Vote
189	Agreed - No Vote
147	Agreed - No Vote
148	Agreed - No Vote
149	Agreed - No Vote

**Non-Executive Amendments tabled at Stage Three.**

<b>Amendment Number</b>	<b>Party that tabled it</b>	<b>Agreed/ Not Agreed</b>
20	SNP	Not Agreed 32 for - 70 against
21	SNP	Not Agreed 33 - 80
2	SNP	Not Agreed 31 - 79
4	SNP	Not Agreed 33 - 80
5	SNP	Not Agreed 31 - 81
6	SNP	Not Agreed 30 - 83
7	SNP	Not Agreed 44 - 67
32	SSP	Not Agreed 30 - 83
35	SSP	Not Agreed 2 - 109
38	Conservatives	Not Agreed 17 - 93
39	SSP	Not Agreed 2 - 105
154	SNP	Not Agreed 31 - 80
44	SSP	Not Agreed 31 - 81
47	SSP	Not Agreed 31 - 82
194	Liberal Democrats	Not Agreed 4 - 109
52	SSP	Not Agreed 30 - 79
53	SSP	Not Agreed 2 - 105
155	Greens	Not Agreed 2 - 93
67	SSP	Not Agreed 2 - 102
73	SSP	Not Agreed 31 - 80
75	Conservatives	Not Agreed 17 - 98
9	SNP	Not Agreed 35 - 84
81	Conservatives	Not Agreed 50 - 68
157	SNP	Not Agreed 35 - 82
158	SNP	Not Agreed 34 - 85
159	SNP	Not Agreed 33 - 86

160	SNP	Not Agreed 35 - 84
162	SNP	Not Agreed 35 - 86
164	SNP	Not Agreed 34 - 83
166	SNP	Not Agreed 34 - 86
168	SNP	Not Agreed 34 - 86
89	SNP	Not Agreed 35 - 85
90	SNP	Not Agreed 33 - 83
91	SNP	Not Agreed 34 - 83
200	SNP	Not Agreed 36 - 84
172	SNP	Not Agreed 36 - 83
173	Greens	Not Agreed 37 - 83
201	SNP	Not Agreed 36 - 83
202	SNP	Not Agreed 36 - 82
174	SNP	Not Agreed 34 - 85
170	SNP	Not Agreed 35 - 84
127	SNP	Not Agreed 35 - 86
128	SNP	Not Agreed 32 - 85
196	SNP	Not Agreed 33 - 85
197	SNP	Not Agreed 33 - 86
198	Labour	Agreed
175	Labour	Agreed
10	SNP	Not Agreed 34 - 82
140	SSP	Not Agreed 34 - 83
141	SSP	Not Agreed 34 - 83
190	SNP	Not Agreed 35 - 82
187	SNP	Not Agreed 51 - 67
188	SNP	Not Agreed 51 - 66
12	SNP	Not Agreed 51 - 67
146	SNP	Not Agreed 34 - 83
137	SNP	Not Agreed 34 - 84
176	SNP	Not Agreed 31 - 81
179	SNP	Not Agreed 33 - 82
180	SNP	Not Agreed 48 - 67
181	SNP	Not Agreed 46 - 66
182	SNP	Not Agreed 48 - 67
183	SNP	Not Agreed 49 - 68
184	SNP	Not Agreed 49 - 67
11	SNP	Not Agreed 34 - 83
142	SSP	Not Agreed 2 - 114
143	SSP	Not Agreed 34 - 83
144	SSP	Not Agreed 34 - 83
185	SNP	Not Agreed 50 - 67



### *Bibliography*

- Ackroyd, S. and Hughes, J., (1992) Data Collection In Context. London: Longman.
- Adelman, C. and Jenkins, D. and Kemmis, S., (1976) Rethinking Case Study: Notes from the Second Cambridge Conference in Cambridge Journal of Education. Volume 6. No3. pp 139-150.
- Arksey, H. and Knight, P., (1999) Interviewing For Social Scientists. London: Sage Publications.
- Arter, D., 'The Scottish Parliament and the Goal of a 'New Politics': a Verdict on the First Four Years' (forthcoming).
- Atkinson, P. and Delmont, S., (1993) Bread And Dreams Or Bread And Circuses? A Critique Of Case Study Research In Evaluation in Hammersley, M. (ed.) Controversies In The Classroom. Buckingham: Oxford University Press.
- Babbie, E., (1995) The Practice of Social Research. Belmont: Wadsworth.
- Bachrach, P. and Baratz, M, S., (1962) 'Two Faces of Power' in American Political Science Review. Vol 56 pp 947 - 952.
- Bachrach, P. and Baratz, M, S., (1970) Power And Poverty: Theory and Practice. Oxford: Oxford University Press.
- Ball, S., (1994) Political Interviews and the Politics of Interviewing in Walford, G., (ed.) Researching the Powerful in Education. London: UCL Press Ltd.
- Ball, T., (1993) Power in Goodin, R, E. and Pettit, P., (eds) A Companion to Contemporary Political Philosophy Oxford: Blackwell Publishers. pp548-549
- Baxter, L. and Hughes, C. and Tight, M., (1999) How To Research. Buckingham. Open University Press.
- Bechhofer, F. and Paterson, L., (2000) Principles of Research Design in the Social Sciences. London: Routledge.
- Beetham, D., (1991) The Legitimation of Power. Hong Kong: Macmillan Education Ltd.
- Begg, T., (1996) Housing Policy in Scotland. Edinburgh: John Donald Publishers Ltd.
- Bell, J. (1993) Doing Your Research Project: A Guide For First-Time Researchers In Education and Social Sciences. Buckingham: Open University Press.
- Bennie, L. and Brand, J. and Mitchell, J., (1997) How Scotland Votes: Scottish Parties and Elections. Manchester: Manchester University Press.
- Bentley, A, F., (1908 [1948]) The Process of Government. Cambridge: Harvard University Press.
- Bogdanor, V., (1999) 'Devolution: Decentralisation or Disintegration?' in The Political Quarterly. Volume 70. No 2. pp185 -194.
- Braybrooke, D. and Lindblom, C., (1963) A Strategy of Decision: Policy Evaluation as a Political Process. New York: Ollier Macmillan.
- Brown, A., (2001) 'Scotland' in Parliamentary Affairs. No 54. pp 701 - 711.
- Brown, A., (2000) 'Designing the Scottish Parliament' in Parliamentary Affairs. Volume 53. pp 542 -

- Brown, A. and McCrone, D. and Paterson, L. and Surridge, P., (1999) The Scottish Electorate. London: Macmillan Press.
- Brown, A. and McCrone, D. and Paterson, L., (1998) Politics and Society in Scotland. London: Macmillan Press.
- Brunskell, H., (2000) Feminist Methodology in Seale, C, (ed.) Researching Society And Culture. London: Sage Publications.
- Bulmer, M., (1984) Sociological Research Methods: An Introduction. Basingstoke: Macmillan Press.
- Bulmer, S. J., (1997) New Institutionalism, The Single Market and EU Governance. ARENA Working Papers. [www.sv.uio.no/arena/publications/wp97\\_25.htm](http://www.sv.uio.no/arena/publications/wp97_25.htm)
- Burgess, R., (1991) In the Field: An Introduction to Field Research. London: Routledge.
- Cavanagh, M. And Marsh, D. And Smith, M., (1995) 'The Relationship between Policy Networks at the Sectoral and Sub-Sectoral Levels: A Response to Jordan, Maloney and McLaughlin' in Public Administration. Vol 73 Winter 1995. pp627-633.
- Chartered Institute of Housing (2000) Written Response to Better Homes for Scotland's Communities: The Executive's Proposals for the Housing Bill.
- Cohen, L. and Manion, L. and Morrison, K., (2000) Research Methods In Education. London: Routledge.
- Coleman, J. and Fararo, T., (1992) Rational Choice Theory. London: Sage Publications.
- Creswell, J., (1994) Research Design: Qualitative and Quantitative Approaches. Thousand Oaks: Sage.
- Crick, B. and Millar, D., (1998) 'To Make the Parliament of Scotland a Model for Democracy' in Paterson, L (eds), A Diverse Assembly: The Debate on a Scottish Parliament. Edinburgh: Edinburgh University Press.
- Curtice, J., (1999) 'Why the Additional Member System has won out in Scotland' in Journal of Representation. Volume 33. No 4. pp119 -123.
- Dahl, R., (1956) A Preface to Democratic Theory. Chicago: Chicago University Press.
- Dahl, R., (1961) Who Governs? Democracy and Power in an American City. Newhaven: Yale University Press.
- Dahl, R., (1971) Polyarchy. New Haven: Yale University Press.
- Dahl, R., (1986) 'Power as the Control of Behaviour' in Lukes, S., (ed.) Power. Oxford: Basil Blackwell Ltd. pp37-59
- Denzin, N.K., (1978) The Research Act: A Theoretical Introduction to Sociological Methods. New York: McGraw-Hill Book Company.
- Denzin, N.K. and Lincoln, Y.S., (1998) Collecting And Interpreting Qualitative Materials. London: Sage Publications.
- Dey, I., (1993) Qualitative Data Analysis. London: Routledge.

Donmoyer, R., (2000) Generalizability And The Single-Case Study in Gomm, R. and Hammersley, M. and Foster, P (eds.) Case Study Method. London: Sage Publications.

Dowding, K., (1995) 'Model or Metaphor? A Critical Review of the Policy Networks Approach'? in Political Studies. Vol 43. pp 136 - 158.

Dunleavy, P., and O'Leary, B., (1987) Theories of the State. London: Macmillan Press.

Dunleavy, P., (1991) Democracy, Bureaucracy and Public Choice. Hemel Hempstead: Harvester Wheatsheaf.

Dyer, M., (1997) 'Scotland's Additional Member and the Maintenance of Labour Power in Journal of Representation. Volume 35. No 2 pp127 - 132.

Dyer, M., (1999) 'Representation in a Devolved Scotland' in Journal of Representation. Volume 36. No 1 pp18 - 28.

Finer, S., (1958) 'Interest Groups and the Political Process in Britain in Ehrmann, H (ed.) Interest Groups on Four Continents. Pittsburgh: University of Pittsburgh Press.

Fitz, J. and Halpin, D., (1994) Ministers and Mandarins: Educational Research In Elite Settings in Walford, G., (ed.) Researching The Powerful In Education. London: UCL Press Ltd.

Fowler, F.J., (2002) Survey Research Methods. Sage Publications: London.

Gillham, B., (2000a) Case Study Research Methods. London: Continuum.

Gillham, B., (2000b) Developing A Questionnaire. London: Continuum.

Gomm, R. and Hammersley, M. and Foster, P., (2000) Case Study And Generalization in Gomm, R. and Hammersley, M. and Foster, P (eds.) Case Study Method. London: Sage Publications.

Goodlad, R., (2000) 'Political Lobbying and the Unitary State: The Case of Scottish Homelessness Legislation' in Scottish Affairs. No 30 pp 78 - 91.

Grant, W., (1978) 'Insider Groups, Outsider Groups and Interest Group Strategies in Britain' in University of Warwick Department of Politics - Working Paper No 19.

Grant, W., (1989) Pressure Groups, Politics and Democracy in Britain. London: Philip Allan.

Grant, W., (1992) ' Models of Interest Intermediation and Policy Formulation Applied to an Internationally Comparative Study of the Dairy Industry' in European Journal of Political Research. Vol 21 pp53 - 68.

Grant, W., (1993) Business and Politics in Britain. Basingstoke: Macmillan Press Ltd.

Grant, W., (2000) Pressure Groups and British Politics. London: Macmillan Press Ltd.

Grant, W., (2001) 'Pressure Politics: From 'Insider' Politics to Direct Action?' in Parliamentary Affairs. Vol 54 pp 337 - 348.

Hakim, C., (1994) Research Design. London: Routledge.

Hall, P, A. and Taylor, C, R., (1996) 'Political Science and the Three New Institutionalisms' in Political Studies. Vol XLIV pp 936 - 957.

Hammersley, M. and Gomm, R. and Foster, P., (2000) Case Study And Theory in Gomm, R. and

- Hammersley, M. and Foster, P., (eds.) Case Study Method London: Sage Publications.
- Hanf, K. and O'Toole, L. J., (1992) 'Revisiting Old Friends: Networks, Implementation Structures and the Management of Inter-Organizational Relations' in European Journal of Political Research Vol 21 pp 163 - 180.
- Hassan, G. and Warhurst, C., (2001) 'New Scotland? Policy, Parties and Institutions' in The Political Quarterly.
- Hay, C., (1997) 'Divided by a Common Language: Political Theory and the Concept of Power' in Politics. Vol 17. pp 45 - 52.
- Hay, C. And Wincott, D., (1998) 'Structure, Agency and Historical Institutionalism' in Political Studies. Vol XLVI pp 951 - 957.
- Heywood, A., (1997) Politics. Basingstoke: Macmillan Press Ltd.
- Hogwood, B. and Gunn, L., (1984) Policy Analysis for the Real World. Oxford: Oxford University Press.
- Jordan, A. G., (1983) 'Corporatism: The Unity and Utility of the Concept?' in Strathclyde Papers on Government and Policy No 13.
- Jordan, A. G., (1990a) 'The Pluralism of Pluralism: An Anti Theory?' in Political Studies. Vol 38 pp286 - 301.
- Jordan, A. G., (1990b) 'Policy Community Realism versus 'New Institutional Ambiguity' in Political Studies. pp 470 - 484.
- Jordan, A. G., (1990c) 'Sub-Governments, Policy Communities and Networks: Refilling the Old Bottles?' in Journal of Theoretical Positions. Volume 2. No 1.
- Jordan, A. G., (2000) 'The Process of Government and the Governmental Process' in Political Studies. Vol 48. pp788 -801.
- Jordan, G. And Maloney, W. And McLaughlin, A., (1994) 'Characterizing Agricultural Policy-Making' in Public Administration. Vol 72 Winter 1994 pp505-526.
- Jordan, A. G. and Richardson, J. J., (1987) Government and Pressure Groups in Britain. Oxford: Clarendon Press.
- Jordan, A. G. and Schubert, K., (1992) 'A Preliminary Ordering of Policy Network Labels' in European Journal of Political Research Vol. 21 pp7 -27.
- Keefe, W. J. and Ogul, M., (1964) The American Legislative Process. New Jersey: Prentice-Hall.
- Kimber, R. And Richardson, J. J., (1974) Pressure Groups in Britain: A Reader. London: Dents and Sons Ltd.
- Lane, J. And Ersson, S., (2000) The New Institutional Politics: Performance and Outcome. London: Routledge.
- Lindblom, C., (1959) 'The Science of Muddling Through' in Public Administration Review. Vol 19 pp79 - 88.
- Lindblom, C., (1977) Politics and Markets. New York: Basic Books.

- Lipsky, M., (1980) Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russel Sage.
- Local Government Committee (2001) Official Report, Oral Evidence from COSLA, 23 January 2001.
- Lukes, S., (1974) Power: A Radical View. London: Macmillan Press.
- Lukes, S., (1993) 'Three Distinctive Views of Power Compared' in Hill, M (ed.) The Policy Process: A Reader. London: Harvester Wheatsheaf pp 51 -58.
- Lynch, P., (2001) Scottish Government and Politics. Edinburgh: Edinburgh University Press.
- Mair, C. and McAteer, M., (1997) 'Scotching the Myth: Analysing the Relations Between a Scottish Parliament and Westminster' in Scottish Affairs. No 19. pp1 -19.
- Maloney, A. and Jordan, A. G. and McLaughlin, A. M., (1994) 'Interest Groups and Public Policy: The Insider/Outsider Model Revisited' in Journal of Public Policy. Vol 14 pp 17 - 38.
- Malpass, P. and Murie, A., (1999) Housing Policy and Practice. London: Macmillan Press Ltd.
- March, J. and Olson, J., (1989) Rediscovering Institutions. New York: Free Press.
- Marks, G., (1992) 'Rational Sources of Chaos in Democratic Transitions' in American Behavioural Scientist. Vol 33 pp 397 - 421.
- Marsh, D., (1983) Pressure Politics: Interest Groups in Britain. London: Junction Books.
- Marsh, D., (1988) 'The Utility and Future of Policy Network Analysis' in Marsh, D (ed.) Comparing Policy Networks. Buckingham: Open University Press.
- Marsh, D. And Rhodes, R, A, W., (1992) Implementing Thatcherite Policies. Buckingham: Open University Press.
- Marsh, D. and Smith, M., (2000) 'Understanding Policy Networks: Towards a Dialectical Approach' in Political Studies. Vol 48 pp 4 - 21.
- May, T. and Nugent, N., (1982) 'Insiders, Outsiders and Thresholders: Corporatism and Pressure Group Strategies in Britain', paper published at Political Studies Association conference, University of Kent.
- Mazey, S, P. And Richardson, J, J., (1993) ' Interest Groups in the European Community' in Richardson, J (ed.) Pressure Groups: Readings in Politics and Government. Oxford: Oxford University Press. pp 191 - 213.
- McFadden, J. and Lazarowicz., (1999) The Scottish Parliament: An Introduction. Edinburgh: T&T Clark.
- McLaughlin, A. M. and Greenwood, J., (1995) 'The Management of Interest Representation in the European Union' in Journal of Common Market Studies. Vol 33 pp 143 - 155.
- McLaughlin, A. M. and Jordan, A. G. and Maloney, W, A., (1993) 'Corporate Lobbying in the European Community' in Journal of Common Market Studies. Vol 31 pp 191 - 211.
- McLennan, G., (1993) 'The Evolution of Pluralist Theory' in Hill, M (ed.) The Policy Process: A Reader. London: Prentice Hall.

- McLennan, G., (1995) Pluralism. Buckingham. Open University Press.
- McPherson, A. And Raab, C, D., (1988) Governing Education: A Sociology of Policy Since 1945. Edinburgh: Edinburgh University Press.
- Midwinter, A. and Keating, M. and Mitchell, J., (1991) Politics and Public Policy in Scotland. London: Macmillan Press.
- Mitchell, J., (2000) 'New Parliament, New Politics in Scotland' in Parliamentary Affairs. Volume 53, No 3. pp605-621.
- Moyser, G. and Wagstaffe, M., (1987) 'Studying Elites : Theoretical And Methodological Issues' in Moyser, G. and Wagstaffe, M., (ed.) Research Methods For Elite Studies. London: Allen and Unwin.
- Mule, R., (1999) 'New Institutionalism: Distilling Some 'Hard Core' Propositions in the Works of Williamson and March and Olsen' in Politics. Vol 19 pp145 -151.
- Nedelman, B. And Meier, K, G., (1977) 'Theories of Contemporary Corporatism: Static or Dynamic?' in Comparative Political Studies. Vol 10 pp 40 - 56.
- Nugent, N. and Paterson, W, E. and Wright, V., (1994) The Government and Politics of the European Union. London: The Macmillan Press Ltd.
- Official Report, 16 September 1999. Debate on Homelessness.
- Official Report, 14 March 2001. The Stage One Debate on the Housing (Scotland) Bill.
- Official Report, 13 June 2001. The Stage Three Debate on the Housing (Scotland) Bill.
- Page, E., (1999) 'The Insider/Outsider Distinction: An Empirical Investigation' in British Journal of Politics and International Relations. Vol 1 pp 205 - 214.
- Panitch, L., (1980) 'Recent Theorizations of Corporatism: Reflections on a Growth Industry' in British Journal of Sociology Vol 31 pp 159 - 187.
- Paterson, L. and Brown, A. and Curtice, J. and Hinds, K. and McCrone, D. and Park, A. and Sproston, K. and Surridge, P., (2001) New Scotland, New Politics? Edinburgh: Edinburgh University Press.
- Paterson, L., (1994) The Autonomy of Modern Scotland. Edinburgh: University Press.
- Paterson, L., (2001) 'Does Consultation Work? The Scottish Parliament's First Two Years' in MacInnes, J. and McCrone, D., (ed.) Special Issue of Scottish Affairs.
- Popper, K,R., (1969) Conjectures And Refutations: The Growth of Scientific Knowledge. London: Routledge and Kegan Paul.
- Popper, K,R., (1980) The Logic of Scientific Discovery. London: Hutchinson.
- Powell, W. and DiMaggio, P., (1991) The New Institutional Organisational Analysis. Chicago: The University of Chicago Press.
- Preece, R., (1994) Starting Research: An Introduction To Academic Research And Dissertation Writing. London: Pinter.
- Pressman, J. And Wildavsky, A., (1973) Implementation. Berkeley: University of California Press.



Procedures Committee (2001) Amendments to Bills. PR/01/13/3.

Procedures Committee (2003) Third Report: The Founding Principles of the Scottish Parliament: The Application of Access and Participation, Equal Opportunities, Accountability and Sharing of Power in the Work of the Parliament.

Raab, C, D., (1992) 'Taking Networks Seriously: Education Policy In Britain' in European Journal of Political Research. Vol 21 pp 69 - 90.

Raffe, D. and Howieson, C. and Tinklin, T., (2002) 'The Scottish Educational Crisis of 2000: An Analysis of the Policy Making Process of Unification' in Journal of Educational Policy. Vol 17. pp 167-185.

Rhodes, R, A, W., (1981) Control and Power in Central-Local Government Relations. Farnborough: Gower

Rhodes, R, A, W., (1986) The National World of Local Government. London: Unwin Hyman.

Rhodes, R, A, W., (1988) Beyond Westminster and Whitehall. London: George Allen and Unwin.

Rhodes, R, A, W., (1997) Understanding Governance. Buckingham: Open University Press.

Rhodes, R, A, W. and Marsh, D., (1992) 'New Directions in the Study of Policy Networks' in European Journal of Political Research. Vol 21 pp 181 - 205.

Rhodes, RAW., and Marsh, D., (1992) 'New Directions in the Study of Policy Networks' in European Journal of Political Research. Vol 21. pp181-205.

Rhodes, R, A, W. and Marsh, D., (1992a) Policy Networks in British Government. Oxford: Clarendon Press.

Richardson, J., (1983) Pressure Groups: Readings in Politics and Government. Oxford: Oxford University Press.

Richardson, J, J., (1993) 'Interest Group Behaviour in Britain: Continuity and Change' in Richardson, J (ed.) Pressure Groups. Oxford: Oxford University Press.

Richardson, J, J., (2000) 'Government, Interest Groups and Policy Change' in Political Studies. Vol 48. pp 1006 - 1025.

Richardson, J, J. and Jordan, A, G., (1979) Governing Under Pressure. Oxford: Martin Robertson and Company Ltd.

Robson, C., (1993) Real World Research. Oxford: Blackwell Press.

Rush, M., (1992) Politics and Society. Hemel Hempstead: Harvester Wheatsheaf.

Schaap, A., (2000) 'Power and Responsibility: Should We Spare the King's Head'? In Politics. Vol 20. pp129 -135.

Schlesinger, P. and Miller, D. and Dinan, W., (2001) Open Scotland? Edinburgh: Polygon at Edinburgh.

Schmitter, P, C., (1979) 'Still the Century of Corporatism?' n Schmitter, P and Lehmbruch, G (eds) Trends Towards Corporatist Intermediation. London: Sage Publications.

- Schneider, V., (1992) 'The Structure of Policy Networks' in European Journal of Political Research. Vol 21 pp 109 - 129.
- Schubert, K and Jordan, A, G., (1992) 'A Preliminary Ordering of Policy Network Labels' in European Journal of Political Research. Vol. 21. pp7-27.
- Schubert, K. and Jordan, A, G., (1992a) 'Introduction' in European Journal of Political Research. Vol. 21 pp 1-5.
- Scott, J., (1990) A Matter of Record. Cambridge: Polity Press.
- Scottish Executive (2000) Policy Memorandum of the Housing (Scotland) Bill.
- Scottish Executive (2000a) Summary of Responses to the Consultation Document Better Homes for Scotland's Communities: The Executive's Proposals for the Housing Bill.
- Scottish Executive (2000b) Better Homes for Scotland's Communities: The Executive's Proposals for the Housing Bill.
- Scottish Executive (2000c) Homelessness Task Force, meeting 1, paper 1.
- Scottish Executive (2000d) Helping Homeless People: Legislative Proposals on Homelessness. Report of the Homeless Task Force.
- Scottish Executive (2001) Press Release issued by Jackie Baillie. 'Homelessness Amendment does not Consider Rights of Homeless People' 26 April 2001.
- Scottish Executive (2002) 'Helping Homeless People: An Action Plan for Prevention and Effective Response. The Homelessness Task Force's final Report.
- Scottish Federation of Housing Associations (2000) Response to Better Homes for Scotland's Communities: The Executive's Proposals for the Housing Bill.
- Scottish Office, (1999) Shaping Scotland's Parliament.
- Scottish Office (1999a) Investing in Modernisation: An Agenda for Scotland's Housing.
- Scottish Parliament Information Centre (2001) The Housing (Scotland) Bill. Research Paper 01/02.
- Scottish Parliament (2001) 1st Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Scottish Parliament (2001) 2nd Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Scottish Parliament (2001) 3rd Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Scottish Parliament (2001) 4th Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Scottish Parliament (2001) 5th Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Scottish Parliament (2001) 6th Marshalled List of Amendments for Stage 2 of the Housing (Scotland) Bill.

- Scottish Parliament (2001) 7th Marshallled List of Amendments for Stage 2 of the Housing (Scotland) Bill.
- Shaw, I., (1999) Qualitative Evaluation. London: Sage Publications.
- Shephard, M. And Cairney, P., 'Does the Scottish Parliament Matter?' (forthcoming).
- Silverman, D., (2000) Doing Qualitative Research. London: Sage Publications.
- Sloat, A., (2000) 'Scotland and Europe: Links between Edinburgh, London and Brussels' in Scottish Affairs. No 31 pp92 -110.
- Smith, J., (1995) Pressure Politics. Manchester: Baseline Book Company.
- Smith, M., (1990) 'Pluaralism, Reformed Pluralism and Neopluralism: the Role of Pressure Groups in Policy Making' in Political Studies Vol 38 pp 302 - 322.
- Social Justice Committee (2001) Official Report, Written Evidence from the Chartered Institute of Housing in Scotland, 17 January 20001.
- Social Justice Committee (2001a) Official Report, Written Evidence from COSLA, 31 January 2001.
- Social Justice Committee (2001b) The Stage One Report on the Housing (Scotland) Bill.
- Social Justice Committee (2001c) Day Seven of the Stage Two Debate. 18th Report. 15 May 2001.
- Social Inclusion, Housing and Voluntary Sector Committee (1999) Official Report, Housing Stock Transfer, Written Evidence from Shelter Scotland, 8 December 1999.
- Social Inclusion, Housing and Voluntary Sector Committee (2000) Official Report, Final Report of the Stock Transfer Inquiry, 18 July 2000.
- Social Inclusion, Housing and Voluntary Sector Committee (2000a) Official Report, Written evidence from SAY Women, 29 November 2000.
- Strauss, A. and Corbin, J., (1990) Basics Of Qualitative Research. Newbury Park: Sage Publications.
- Steinmo, S. And Thelen,K., (1992) 'Historical Institutionalism in Comparative Politics' in Steinmo, S and Thelen, K and Longstreth, F (eds) Structuring Politics. Cambridge: Cambridge University Press.
- Stringer, J. And Richardson, J., (1992) 'Political Stability and Policy Change: Industrial Training 1964/82' in Public Administration. Bulletin No. 39. pp22-39.
- Taylor, B., (1999) The Scottish Parliament. Edinburgh: Polygon at Edinburgh.
- Taylor, M. and Sim., (2000) 'Social Inclusion and Housing in the Scottish Parliament: Prospects?' in Critical Social Policy. issue 63. pp183 - 210.
- Taylor, M. and Wainwright, S., (1996) 'Stock Transfer' in Housing Policy and Practice Series (eds) Currie, H and Murie, A.,. Coventry: Chartered Institute of Housing.
- Thatcher, M., (1995) The Downing Street Years. London: Harper Collins Publishers.
- The Civic Forum (1999) <http://www.civicforum.org.uk/role/>
- The Herald, 6 April 2002. Tenants Evict Council Landlord: Opponents Claim 'Yes' Victory is Pyrrhic

Victory for GHA.

The Herald, 26 April 2001. Letters to the Editor: from the Director of the Scottish Federation of Housing Associations.

The Herald, 26 April 2001. Letters to the Editor: from the Director of the Scottish Federation of Housing Associations.

The Observer, 18th July 1999. Tory Anger as Steel backs Dewar on Dual-job MSPs.

Travers, M., (2001) Qualitative Research Through Case Studies. London: Sage Publications

Truman, D, B, (1951) The Governmental Process: Political Interest and Public Opinion. New York: Alfred A. Knopf.

Van Waarden, F., (1992) 'Dimensions and Types of Policy Networks' in European Journal of Political Research. Vol 21 pp 29 - 52.

Walker, R., (1985) Applied Qualitative Research. Aldershot: Gower

Whiteley, P, F., and Winyard, S, J., (1987) Pressure for the Poor. London: Methuen.

Wilks, S. And Wright, M., (1987) 'Conclusion Comparing Government-Industry Relations: States, Sectors and Networks' in S, Wilks and M, Wright (eds) Comparative Government Industry Relations. Oxford: Clarendon Press. pp 274 - 313.

Williams, N., (2000) 'Modernising Government: Policy Networks, Competition and the Quest for Efficiency' in The Political Quarterly. Vol 71 pp 412 - 421.

Winetrobe, B., (2001) Realising the Vision: A Parliament with a Purpose. The Constitution Unit.

Winkler, J., (1987) The Fly On The Wall Of The Inner Sanctum: Observing Company Directors At Work in Moyser, G. and Wagstaffe, M (ed.) Research Methods For Elite Studies. London: Allen and Unwin.

Wright, V., (1994) The Government And Politics of The European Union. London: The Macmillan Press Ltd.

Yin, R,K., (1994) Case Study Research. London: Sage Publications.

Yishali, Y., (1992) 'From an Iron Triangle to an Iron Duet?' in European Journal of Political Research. Vol 21 pp 91 - 108.